

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

110 WRIT PETITION NO.9400 OF 2019

M/S KOHINOOR CONSTRUCTION THROUGH ITS PROPRIETOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr M V Salunke h/for Mr Salunke V. D.
AGP for Respondents State: Mr P G Borade

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 20th January, 2020

ORDER:

1. Learned AGP confirms that the work order has not been issued to any party as yet.
2. The petitioner along with other participants had filled in tender pursuant to the public notice of the respondent.
3. It appears that the tender of the petitioner was accepted on 11.03.2019. The petitioner was informed under letter dated 28th June, 2019 that technical bid of the petitioner was accepted and the financial financial bid will be opened on 1st July, 2019 at 11.00 a.m.
4. It appears that on 9th July, 2019, petitioner was intimated for extending bid validity by 60 days. The petitioner on 12th July, 2019 gave consent for extending the bid validity by 60 days. On or about 16.07.2019, the petitioner was communicated that his technical bid was rejected on 14.03.2019.
5. It also appears to be a matter of record that on 18.03.2019, technical bids were evaluated. The technical bid of the petitioner was

accepted and the technical bid of Raj Construction was rejected. However, subsequently it is shown that technical bid of Raj construction was accepted on 14.03.2019.

6. Going through the documents, it appears that after having accepted the technical bid of the petitioner, the same is rejected on the basis of objection raised by some parties. It is not disputed by the respondent that the petitioner was not given any opportunity of hearing before the order was passed rejecting the technical bid of the petitioner, though initially it was accepted. The petitioner ought to have been made known the grounds of objection to his technical bid, more particularly, when the technical bid was already accepted and the petitioner was held to be eligible.

7. As the petitioner was not given any opportunity, in view of the aforesaid facts, the impugned order to the extent of rejecting the technical bid of the petitioner is set aside. The concerned authority shall, after calling explanation from the petitioner, take decision about the technical bid of the petitioner. The same shall be done within three weeks.

8. The authority shall provide the copy of the objection to the technical bid of the petitioner, if any. The petitioner shall appear and approach before the authority on 27.01.2020 and the explanation shall be filed within a period of one week thereafter.

9. The decision shall be taken with regard to the technical bid preferably within a period of four weeks.

10. It is only after deciding the validity of the technical bid of the petitioner, further steps would be taken. Writ petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC