

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2712 OF 2021

Renuka Electricals through its
Proprietor Achyut Rajendra Hupale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. C. Chapalgaonkar, Advocate for the Petitioner.
Mrs. V. S. Choudhari, A.G.P. for the Respondent No. 1.
Shri V. M. Vibhute, Advocate for Respondent Nos. 2 to 4.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 11TH FEBRUARY, 2021.**

FINAL ORDER :

. The technical bid of the petitioner is rejected on the ground that the petitioner does not possess the registration certificate.

2. Mr. Chapalgaonkar, the learned advocate for the petitioner submits that, the petitioner is issued with the certificate of registration on 05th January, 2018. The same was for a period of three years i. e. till 04th January, 2021. The petitioner on 01st December, 2020 applied to the Chief Executive Officer, Zilla Parishad, Latur for renewal and the same was pending with it. The petitioner is granted extension on 03rd February, 2021 with effect from 04th January, 2021. The learned counsel further submits that, as per the tender the technical bids were to be

opened in the month of October 2020, however, same was delayed. The technical bids are opened on 29th January, 2021. The learned counsel submits that, rejection of technical bid was erroneous.

3. The learned advocate for the respondent/Zilla Parishad submits that, on the day the technical bid was opened, the petitioner did not possess registration certificate. The same had lapsed. The learned counsel further submits that, extension relied by the petitioner to the license is issued by the Executive Engineer Works. He does not possess the authority to issue the extension certificate. The same can only be issued by the Chief Executive Officer. The learned counsel further submits that, the financial bids are opened on 24th January, 2021. The learned advocate submits that, now the process cannot be reverted back.

4. The petitioner possesses the registration certificate in his favour issued to him on 05th January, 2018. The validity of the same was upto 04th January, 2021. The petitioner on 01st December, 2020 applied for renewal of the same. The said application was pending with the Zilla Parishad, Latur and the Executive Engineer Works on 03rd February, 2021 granted extension with effect from 04th January, 2021 upto 03rd April, 2021. The technical bid as per original tender were to be opened on 25.10.2020. The same was delayed at the hands of respondents and it was opened on 29th January, 2021. The financial bids are opened on 04th February, 2021. According to

respondents prior to that the petitioner was possessing the letter of extension of registration.

5. The aspect of extension of registration certificate granted to the petitioner was not considered by the respondents. It is admitted by the learned counsel for respondents that, the work order is not issued.

6. In the light of the above, we pass the following order.

7. The order disqualifying the petitioner on the ground of not possessing registration certificate is set aside. The respondent authorities shall consider the technical bid of the petitioner in the light of the certificate of extension dated 03rd February, 2021 with effect from 04th January, 2021 on its own merits. The petitioner may represent before the respondents about the authority of the Executive Engineer Works, Zilla Parishad, Latur issuing said extension certificate. It is for the respondent authorities to consider the same on its own merits and take decision accordingly.

8. In case the respondents come to conclusion that the petitioner is technically qualified, then in that case the financial bid of the petitioner be opened. Till the decision is taken by the respondents on the technical bid of the petitioner, the work order shall not be issued. The petitioner may present himself to put forth his case before the respondent No. 3. The petitioner may

appear before the respondent authorities on 15.02.2021.

9. In view of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Feb. 21