

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

WRIT PETITION NO. 3116 OF 2021

M/s A. S. Construction Partner and
Authorized Signatory, Mohd Abdul
Rashid Siddiqui .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Mukul Kulkarni, Advocate h/f Shri Patel Shaikh Ashpak
Taher, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 17TH FEBRUARY, 2021.

FINAL ORDER :

. Mr. Kulkarni, the learned advocate for the petitioner submits that, the petitioner is assailing the terms of the tender. On one hand the respondents under tender have made the bid open for all and on the other hand the respondents have laid a condition that joint ventures are not accepted. The learned counsel submits that, said condition is tailor made in order to suit the big players in the field of exclude the petitioner. The petitioner has raised an objection in the pre-bid meeting. The same is ignored and not considered. According to the learned counsel, if the joint venture is permitted the petitioner would be in a position to bid.

2. The learned counsel for the petitioner on instructions submits that, the petitioner is ready to bid at 2% less than the tender cost.

3. Mr. Karlekar, the learned Assistant Government Pleader for respondents/state submits that, even if the petitioner would submit the joint venture, the petitioner would not be eligible. It has no experience of civil work. It has only experience in construction of road.

4. We asked the learned advocate for the petitioner as to whether the petitioner has a joint venture agreement with any party. The learned advocate submits that, same is not on record. We do not find that the petitioner has entered into an agreement with any joint venture so as to enable to raise grievance not permitting joint venture. The petitioner without entering into joint venture agreement with any party has sought to assail the said clause. The petitioner individually does not possess necessary eligibility as per the tender document. Even joint venture agreement is not entered into by the petitioner. The technical bid is also opened.

5. In the light of the above, no case for interference is made out. The writ petition as such is disposed of. No costs.