

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1081 WRIT PETITION NO.8682 OF 2021

M/S KHWAJA S. MISTRY
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Mr. M.V. Salunke h/f Mr.V.D. Salunke, advocate
for the petitioner
Mr. S.P. Tiwari, AGP for the respondent/State.

...
CORAM : S.V. GANGAPURWALA
AND
S.G. DIGE, JJ.

DATE : 14th DECEMBER, 2021

PER COURT :-

1. We have heard Mr.Salunke, learned advocate for the petitioner and Mr.Tiwari, learned A.G.P.

2. The technical bid of the petitioner is rejected on the ground that the petitioner does not comply with the experience of single sizable work. The contention of the petitioner is that note to clause (xii)(c) is not considered by the authorities i.e. financial turn over and cost of completed work of previous year shall be given linear weightage of 10% per year on rupee value to bring them at 2021 price level. It appears from the record that the note does not appear to have been considered.

3. Mr.Tiwari, learned A.G.P. submits that the petitioner did not submit the documents in respect of electrical contractor's licence. The petitioner was held qualified as per chart (page 90) and the name of the joint venture for the electrical work mentioned as Griffon Electricals. The learned A.G.P. placed on record the documents in respect of Griffon Electricals to demonstrate that it has not entered into any transaction or agreement with the petitioner.

4. The learned counsel for the petitioner submits that the said letter is sham document and that Griffon Electricals entered into agreement with the petitioner. The said aspect will have to be considered by the respondents.

5. We direct the authority to reconsider the technical bid of the petitioner considering the note to clause 12(c) of the tender document i.e. giving linear weightage of 10% per year on rupee value to bring them at 2021 price level.

6. The petitioner may also file the affidavit of Griffon Electricals and may ask the representative of Griffon Electricals to remain present before the authority while evaluating the documents. It is for the authorities to satisfy itself about the genuineness of the documents. The petitioner shall produce the affidavit and

representative of Griffon Electricals before the respondent authorities on 17.12.2021.

7. The authorities shall take decision afresh with regard to the technical bid of the petitioner preferably within five days thereafter.

8. Till the decision is taken on the technical bid of the petitioner, the further process may not be resorted to.

9. With the above observations, the Writ Petition is disposed of. No costs.

(S.G.DIGE, J.)

(S.V. GANGAPURWALA, J.)

SGA