

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

WRIT PETITION NO. 11258 OF 2021

Dinesh Sunil Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Rahul S. Pawar, Advocate for the Petitioner.

Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3.

Shri D. S. Bagul, Advocate for the Respondent No. 4.

Shri D. G. Nagode, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 20TH OCTOBER, 2021.

FINAL ORDER :

. Mr. Pawar, the learned advocate for the petitioner submits that, the petitioner has submitted the bid documents on 01.10.2021 complete in all respects at 4.00 p.m. The EMD amount, GST certificate and other documents were attached. The Website was hanged. According to the learned counsel for the petitioner, for no fault on the part of the petitioner, the petitioner may not be deprived from participating in the tender process. The petitioner is eligible tenderer.

2. We had asked the learned Additional Government Pleader for respondent Nos. 1 to 3 to take instructions from the NIC of the position of website from 01.00 p.m. to 04.00 p.m. on 01st

October, 2021. The learned Additional Government Pleader has placed on record the communication received to her that is the details of the number of documents uploaded during said period.

3. From the said break up of activities of 01st October, 2021 from 01.00 to 4.00 p.m., it appears that, number of documents were uploaded.

4. In view of that, it cannot be conclusively said that, there was problem of the website.

5. Be that as it may, it would be disputed question of fact. The technical bids are opened. In view of the above, no interference is called for.

6. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct.21