

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

902 WRIT PETITION NO.11784 OF 2021

SHUMI SERVICES PRIVATE LTD., THROUGH ITS DIRECTOR
VANDANA RUPESH NAGRALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner:

Mr. V. P. Latange h/f. Mr. Lipne Amol D.

AGP for Respondents No. 1&2: Mr. P. K. Lakhotiya

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

DATE: 26th OCTOBER, 2021

PER COURT:

1. Mr. Latange, learned Advocate for the petitioner submits that the petitioner had filled in the e-tender pursuant to the e-tender notice issued by the respondent to provide labour for collection, transportation, treatment, recycle and re-use of solid waste. The learned Advocate for the petitioner submits that the petitioner had filled in the tender on 23.09.2021. Prior to filling in the tender the petitioner has raised an objection on 22.09.2021 that the condition requiring the tenderer to possess the PWD

registration certificate is onerous and is not rational with the object in view. The said requirement is not necessary as the same does not have any co-relation with the work to be performed.

2. The learned A.G.P. accepts notice for respondents no. 1 and 2.

3. The petitioner filled in the tender on 23.09.2021. In the writ petition memo also the petitioner has stated that the objection was raised to the said tender condition on 23.09.2021 and 01.10.2021. The objection raised on 01.10.2021 appears to have been received by respondent no. 3. In the said letter, the petitioner nowhere states that he had raised the objection on 22.09.2021 and 23.09.2021. The letter produced on record said to be dated 22.09.2021 does not bear the receipt or the endorsement of the said application being received by respondent no. 3.

4. It is trite that after participating in the tender process a person cannot agitate the terms and conditions of the tender. The petitioner participated in the tender process by filling in the tender on 23.09.2021 and subsequently raised the objection to the terms and conditions. The same is not permissible.

5. In light of that, writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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