

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

1143 WRIT PETITION NO.12213 OF 2021

**K.D. TRANSPORT THROUGH ITS PARTNERS
POWER OF ATTORNEY HOLDER
GAURAV BHAGWAN HARBA
VERSUS
FOOD CORPORATION OF INDIA
THR ITS GENERAL MANAGER AND ANOTHER**

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Advocate for Petitioner : Mr. Sushant V. Dixit and Mr. Sohel Siddiqui
Advocate for Respondent No.1 : Mr. Milind Patil
Advocate for Respondent No.2 : Mr. S.P. Salgar

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

DATE : 16-12-2021

PER COURT :

1. Mr. Dixit, learned Counsel for the petitioner submits that technical bid of the petitioner is rejected on technical ground. According to the learned Counsel, the condition of declaring that the petitioner does not have any relative in service with the respondent - institution is remained to be ticked, but the petitioner on the very next day of rejection of the technical bid has communicated respondent - institution that the petitioner does not have any relative in service with the institution. The learned Counsel relies on the Judgment of this Court in Writ Petition bearing No.8671 of 2021 dated 01-09-2021.

2. We have also heard Mr. Patil, learned Counsel for the respondent - institution.

3. The work order is already issued in favour of present respondent no.2 on 15-11-2021.

4. We had asked Mr. Dixit, learned Counsel for the petitioner about the rate submitted by the petitioner in the financial bid. Mr. Dixit, learned Counsel, on instructions, submits that the rate of the petitioner were higher than respondent no.2.

5. In light of that even if we interfere at this stage by setting aside the order rejecting the technical bid, the same would not serve any purpose as the bid of respondent no.2 is lower than the petitioner and respondent no.2 would still get the contract.

6. In view of that, we are not considering the rejection of the technical bid of the petitioner on merits. Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE