

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

WRIT PETITION NO. 14726 OF 2021

Shrikrishna Vijatantri Apprenticeship
Sushikshit Berojgar Seva Sahkari
Sanstha M. Jalna .. Petitioner

Versus

Maharashtra State Electricity
Distribution Company Ltd. .. Respondent

Shri Amit A. Yadkikar, Advocate for the Petitioner.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.
DATE : 23RD DECEMBER, 2021.**

FINAL ORDER :

. The petitioner is seeking directions to recall the tender dated 16th July, 2021 and float fresh tender as per circular dated 16.12.2021.

2. Mr. Yadkikar, the learned advocate for the petitioner submits that, the tender is required to be issued division wise and not consolidated tender. The tender dated 16th July, 2021 was a consolidated tender of seven divisions thereby depriving small players from participating in the tender process. The petitioner has submitted its bid. The bid was rejected on the ground that the petitioner does not possess financial capability. The said rejection is also not in consonance with the Government

Resolution dated 31st July, 2003, wherein it is specifically provided that, bid of co-operative society should not be rejected on the count that tenderer does not possess financial capability. The learned advocate further submits that on 16th December, 2021 fresh circular has been issued thereby prohibiting consolidation of the tenders and tenders are to be issued division wise.

3. The learned counsel further submits that, the validity period of tender dated 16th July, 2021 was 60 days. As per the terms of tender validity period has come to an end. The respondent should adopt fresh tender process division wise. Instead of resorting to the said procedure, the respondent has taken a decision to allot the work to seven bidders who had qualified therein. If the work would have been divided in the tender itself, the petitioner would have qualified for the same.

4. The tender dated 16th July, 2021 certainly cannot be according to the subsequent circular, nor because of subsequent circular the directions can be issued for recalling the earlier tender process.

5. The petitioner had participated in the tender process. The petitioner's bid was rejected. After rejection of bid, it will not be open for participant in the tender process to challenge the terms and conditions of the tender. If the petitioner would have objected before the opening of technical and financial bid and

participation in the bid, then objection of the petitioner could have been considered. The tender of the petitioner is rejected and thereafter assailing terms of the tender would not be permissible. Moreover bid of the petitioner is rejected on or about 27th September, 2021. The same was not assailed and now after about three months, the same is sought to be assailed. The interference at this stage with the allotment of work would not be in the interest of any party.

6. In the light of the above, no interference is called for. The writ petition is disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec.21