

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 5252 OF 2021**

Save Environment Management and Engineering Pvt. Ltd. ... Petitioner

Versus

State of Maharashtra and another ... Respondents

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Ms. Ketki Gadkari alongwith Mr. Pradeep Salgar for the Petitioner.

Ms. S.D. Vyas, 'B' Panel Counsel for the State.

Mr. A.Y. Sakhare, Senior Advocate alongwith Mr. Ajit Hon for Respondent Nos.2 to 4.

Mr. Kalpesh Patil for Respondent No.5.

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CORAM : S.J. KATHAWALLA AND

MILIND N. JADHAV, JJ.

DATED : NOVEMBER 17, 2021.

P.C. :-

1. By the above Writ Petition, the Petitioner has challenged the cancellation of tender of the Petitioner by the Akkalkot Municipal Council, Akkalkot by its letter dated 12.07.2021. The Petitioner has also challenged the issuance of work order dated 23.07.2021 to the Respondent No.5.
2. The tender pertains to the work of Scientific Dumpsite Land Reclamation through Bio-mining, Resource Recovery and Scientific Rejects Disposal at Solapur Road Khat Depot, Akkalkot. The tenure of the tender was for 180 days.
3. Though the Petitioner was declared as lowest bidder, since the Petitioner did

not file the bank guarantee / demand draft towards additional performance security as prescribed by the tender condition and had not completed a similar tender work within the stipulated time in Jalna Municipal Council, the Respondent No.1 issued the impugned letter dated 12.07.2021 to the petitioner rejecting the application / tender of the Petitioner.

4. On 29.07.2021 the work of tender was awarded to Respondent No.5, the second highest bidder on completion of the requisite formalities in terms of the tender process.

5. The Petitioner filed the present Writ Petition on 17.08.2021 and moved this Court for the first time only on 07.09.2021.

6. As on date work in respect of 114 days out of 180 days of the tender is carried out by Respondent No.5.

7. Considering the above facts and more specifically the omission on the part of the Petitioner in not submitting the additional performance security in the form of Bank Guarantee" (PBG) as performance security in terms of clauses 5.7.1 and 5.7.2, we are not inclined to interfere with the decision of the Council.

8. The above Writ Petition is accordingly dismissed with no order as to costs.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)