

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5278 OF 2021

Mahesh Kundlik Gabhane,
..VS..
Municipal Council, Tumsar and Ors.,

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri K. C. Deogade, Advocate for petitioner.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : 14.12.2021

1. Heard learned counsel for the petitioner.
2. The grievance is that the hard copy of the tender was required to be submitted latest by 12.00 pm. of 18.10.2021 and that the petitioner has indeed sent the hard copy through his authorized representative for its submission to the respondent No.1 on 18.10.2021 before the time prescribed for submission of the same, but, the hard copy was not accepted by respondent No.1 on the ground that the hard copy was submitted by the petitioner through his representative and not by himself. Learned counsel for the petitioner submits that it is nowhere stated in the tender notice that hard copy of the tender must be personally submitted by a tenderer.

3. We have gone through the tender notice and we find that learned counsel for the petitioner is right when he says that there is no specific condition mentioned in the tender notice in question that hard copy of the tender must be submitted in person by a tenderer. But, it is too late for the petitioner to raise such a grievance before this Court and if any such grievance raised so belatedly is to be entertained by us, this Court might be unreasonably interfering with the tender process at a time when the rights of the parties have come to a stage of finalization. The reason for such a conclusion is stated by us in the next paragraph.

4. The hard copy was to be submitted latest by 12.00 pm. on 18.10.2021. The date and time for acceptance of the online tender forms was 21.09.2021 at 01.00 pm. There was another deadline for acceptance of online form which was of 13.10.2021 at 01.00 p.m. The deadline for opening of the tenders was set at 03.00 pm. of 14.10.2021. These deadlines have already been crossed over at the present case and the petitioner is approaching this Court with inordinate delay which is of more than a month after the date of opening of the tenders had gone by. The petitioner had all the time to challenge the refusal of the respondent No.1 to accept the online tender form of the petitioner on the ground that its hard copy was not submitted in time but, the petitioner did not do so. Now, if such a grievance of the petitioner is entertained by us, it would cause great

inconvenience to all other stakeholders and it would also lead to delay in allotment and execution of the tendered work. Now, the remedy for redressal of such a grievance, if any, would lie elsewhere including a Civil Court.

5. In the result, the Writ Petition stands summarily **dismissed**. No costs.

JUDGE

JUDGE

Kirtak