

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

**1029 WRIT PETITION NO. 6558 OF 2020**

M/S JOSHI FREIGHT CARRIER  
VERSUS  
THE FOOD CORPORATION OF INDIA AND OTHERS

...  
Advocate for Petitioner : Mr. S.U. Chaudhari  
ASG for Respondent Nos. 1 : Mr. A.G. Talhar  
Advocate for Respondent Nos. 2 to 4 : Mr. Milind Patil  
Advocate for Respondent No. 5 : Mr. Kunal Kale h/f  
Mr. Devang Desmukh

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

**DATE : 17<sup>th</sup> FEBRUARY, 2022**

**PER COURT :-**

1. The technical bid of the petitioner is rejected on the ground that the contract of the petitioner was terminated by MSWC on 30-06-2018. As per clause 4(II) of the Tender, 'any tenderer whose contract with the Food Corporation of India, or any department of central or State Government or any other public sector undertaking has been terminated before the expiry of the contract period at any point of time during last three years will be ineligible'.
2. The petitioner earlier had filed writ Petition No. 7973 of 2018 at the Principal Seat. The Division Bench of this Court at Principal Seat on 13<sup>th</sup> August, 2018 set aside the order prohibiting the petitioner from participating in the tender process for further period of one year.
3. The disqualification of the petitioner was for a period of three years. The said period has come to an end. As such, the petitioner now is not disqualified to participate in the tender process only on the ground that his contract was terminated by MSWC on 30-06-2018.

4. In view of challenge to point No. 4(II) of the tender condition, as such, would remain only academic. The tender has already been issued in favour of respondent No. 7. According to the learned counsel for petitioner, the tender period was for two years, the same also came to an end on 22<sup>nd</sup> October, 2022. It would not be appropriate at this stage now to interfere in the process.

5. Be that as it may, if any further clause is introduced of disqualifying the petitioner-tenderer, adversely affecting rights of the petitioner it would be open for the petitioner to assail the same in appropriate proceedings.

6. With aforesaid observations, writ petition is disposed of. No costs.

**( S.G. DIGE )**  
**JUDGE**

**( S.V. GANGAPURWALA )**  
**JUDGE**