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

956 WRIT PETITION NO.7120 OF 2022

**M/S A K CONSTRUCTION, THROUGH ITS PARTNER
SAYYED KHAYYUM AMIRSAHB
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE
SECRETARY AND OTHERS**

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Mr T. M. Venjane, Advocate for petitioner;
Mr S. K. Tambe, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 12th July, 2022

PER COURT:

1. Having perused Clauses XI (c) (iii)(iv)(v)(vi), which are part of the E-tender notice, floated by the Public Works Department, prima facie, we do not find that these conditions could be said to be nominal conditions. If after the technical bids and financial bids are opened and the petitioner finds himself disqualified for the said reason, he may have a remedy available in law. Entertaining the petition today, to issue a direction under the Writ of Mandamus to the Executive Engineer, to make a declaration that these conditions are of nominal character, would be an unwarranted indulgence on the part of the High Court.

(2)

2. In view of the above, this petition is disposed off.
3. In the event, the petitioner is aggrieved pursuant to the opening of the technical and financial bids, he may avail of a remedy, as is permissible in law.

(ANIL L. PANSARE, J.)**(RAVINDRA V. GHUGE, J.)**

sjk