

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1965 OF 2022

Mr.Ramdas Sahebrao Hange

... Petitioner

V/s.

State of Maharashtra

... Respondent

Mr.Rajesh A. Tekale, Advocate for the Petitioner.

Ms.M.P.Thakur, AGP for the State.

**CORAM : S. V. GANGAPURWALA AND
VINAY JOSHI, JJ.**

DATE : 7th APRIL, 2022.

P.C.:-

1. The Petitioner challenges a decision taken by the Respondent cancelling the tender process.

2. The learned counsel for the Petitioner submits that pursuant to the tender notice the Petitioner filled in the tender for supplying tankers to the villages/wadies for a period of 1st December, 2021 to 30th September, 2022. The Petitioner infact was the lowest bidder. The other bidder though was not the lowest was declared L1. The Petitioner objected to the same. The Respondent instead of evaluating the tender and the prices straight away cancelled the tender process. The said action is malafide. No proper evaluation has been done by the Respondent. Methodology is provided to

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evaluate the prices submitted, without completing the said exercise the tender process has been cancelled arbitrarily. Even in the affidavit-in-reply no proper evaluation has been made.

3. We have heard the learned AGP.

4. In the matters of tender this court would be slow to exercise its jurisdiction under Article 226 of the Constitution of India. The expert committee considered the rates, whether the rates are feasible and so also in tune with the requirements. While cancelling the tender process it has been observed that the prices quoted by the tenderers is not within the price band as contemplated under the guidelines, more particularly clause 4.4.3.1(b).

5. Evaluation of the financial bid is an expertise job. This court would not sit in appeal over the decision taken by the Committee in matters of evaluation. As only 2 tenders were received, the prices have to be in the price-band i.e. should not be above 10% and below - 20%.

6. In the affidavit-in-reply the Respondents have given the calculations and the evaluation made by the Committee appointed for the said purpose. The Committee consists of experts. The court cannot substitute its opinion for the opinion of the experts.

7. Moreover, the tender process has been cancelled. In a fresh tender process, the Petitioner can offer its bid.

8. In the light of the above, the Writ Petition is disposed of. No costs.

(VINAY JOSHI, J.)

(S.V.GANGAPURWALA, J.)

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