

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.291 OF 2022

Mr.Nitin D. Bansod

v/s.

State of Maharashtra & Ors.

...

...Petitioner

...Respondents

...

Dr.Ramdas P.Sabban for the Petitioner.

Adv.K.N.Solunke, AGP for the State.

...

CORAM : A.A. SAYED &

ABHAY AHUJA, JJ.

DATED : 11 JANUARY 2022

(THROUGH V.C.)

P.C.:

The Petitioner has filed this Petition challenging the order dated 02-11-2021 passed by the Respondent-Corporation, whereby the Petitioner has been disqualified at the stage of technical bid in a tender floated by the Respondent-Corporation for collection and transportation of solid waste.

2. It is the case of the Petitioner that he belongs to Scheduled Caste category and his business activity falls under Medium and Small Enterprises and therefore he is entitled to relaxations in the technical norms.

3. We are unable to accept the contention of the Petitioner. Firstly, it is an admitted position that the tender conditions do not speak of such relaxation. Secondly, the Petitioner after having participated in the bid, cannot seek any relaxation in the tender conditions after he has been disqualified in the technical bid. According to the Petitioner, he has experience of handling average 50 Metric Tons of solid waste per day and

the condition in the bid which requires to have experience of collection and transportation of 150 Metric Tons of solid waste per day needs to be relaxed. It is thus an admitted position that the Petitioner does not meet the technical criteria. It is well settled that the Tenderer is the best judge to prescribe the tender conditions. It is also equally well settled that a bidder after having participated in a tender, cannot challenge the tender conditions.

4. In our view, the Petitioner cannot be granted any relief in the Petition, merely because he belongs to Schedule Caste category or runs his business as a Micro and Small Enterprise. The Order dated 23 March 2012 of the Ministry of Micro, Small and Medium Enterprises and Office Memorandum dated 25 July 2016 of the Ministry of Finance, Department of Expenditure, relied upon by the Petitioner in no manner prescribe that such blanket relaxations be given to the persons belonging to the Schedule Caste category and/or to Micro and Small Enterprises in Tender conditions.

5. The Petition is, therefore, dismissed in limine.

(ABHAY AHUJA,J.)

(A.A.SAYED, J.)