

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

WRIT PETITION NO.1750/2022

Sai Constructions
through its authorized signatory ... Petitioner

- Versus -

Nagar Panchayat, Lakhani and others ... Respondents

Shri Ayush M. Sharma, Advocate for Petitioner.

Ms Shamshi Haider, Assistant Government Pleader for
Respondent Nos.2 and 3.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATE : 30 MARCH 2022

P.C. :

The Petitioner has challenged the advertisement dated
17 March 2022 issued by Respondent No.1 Municipal Council,
Lakhani.

2. The challenge is raised on two grounds. First, that the stipulation contends in the tender notice i.e. 13(VI) regarding the RMC Plant being 15 kms. away from the Municipal Council area is contrary to the Government Resolution. There is no merit in this contention. The so-called Government Resolution is only a Circular issued by the Assistant Chief Engineer, Public Works Department and it is circulated within the Department. The tender is issued by the Municipal Council and the Circular of P.W.D. Department cannot be considered as binding provision.

3. Apart from this position, the stipulation that the RMC Plant should be within 15 kms. from the Municipal limits, cannot be considered as a condition against the public interest considering the long distance.

4. The second ground that is advanced is that, the earlier tender which was issued, a different distance was proved and it has been changed in the second tender. There is no merit in this contention as well. It is open to the party who is inviting bids to stipulate a condition. The scope of the Writ Petition to examine the terms and conditions of tender is extremely limited.

5. Having found that the condition is neither contrary to any statutory provision nor can be considered entirely arbitrary, the relief sought for in the Petition cannot be considered.

6. It is always open to the Petitioner to satisfy the terms and conditions and participate in the tender process as per law.

7. The Writ Petition is disposed of.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)