

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

WRIT PETITION NO.2435/2021

A & A Infotect, Digras, through its Proprietor-Mihir J.Chauhan
Vs.

State of Maharashtra, through its Collector, Yavatmal and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vaibhav N. Patre, Advocate for petitioner.

Shri A.M.Deshpande, Additional Government Pleader for respondent no.1.

Shri PPDeshmukh, Advocate for respondent no.2.

CORAM :- A.S.CHANDURKAR AND SMT. M.S.JAWALKAR, JJ.

DATE :- APRIL 04, 2022.

Heard.

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The challenge raised in this writ petition is to the issuance of work order by the third respondent-Municipal Council, Digras by which 50% work of providing Data Entry Operators has been issued in favour of the petitioner alongwith the fourth respondent. According to the petitioner, as per the tender notice offers were invited for supply of Data Entry Operators to various departments of Digras Municipal Council. The experience and eligibility specified was that the work should have been done with atleast two Municipal Councils alongwith list of completed works for the last three years. Pursuant to the tender notice four bids were received of which the bids of the petitioner and the fourth respondent were found lowest. Since similar rates were quoted by the petitioner and the fourth respondent, the Municipal Council divided the work into two parts and allotted the same to both of them equally.

It is submitted by the learned counsel for the petitioner that the experience required ought to have been with regard to supply of Data Entry Operators and not any other experience. The certificates annexed by the fourth respondent were with regard to supply of labour, drivers, etc. to the

Municipal Council. This experience was not as provided by Standing Direction No.36 issued by the State Government on 29.12.2005. Relying upon the decision in ***Sam Build Well Private Limited vs. Deepak Buildres and others (2018) 2 SCC 176***, it is submitted that as the fourth respondent did not have such requisite experience, the work order could not have been issued to him.

Shri P. P. Deshmukh, learned counsel for the second respondent-Municipal Council submits that in the tender notice it was not specifically stated that the experience with regard to supply of Data Entry Operators was necessary. The experience required was of general nature as indicated in the tender notice. The work in question was to be carried out till 31.03.2022 and hence there was no reason to interfere in writ jurisdiction.

Having heard the learned counsel for the parties and having perused the documents on record, we find that the petitioner pursuant to the tender notice did not raise a challenge that the experience required of the bidders was not as per Standing Direction No.36. In the tender notice it is stated that list of completed works for last three years alongwith the work experience with two Municipal Councils ought to be indicated. If the petitioner was of the view that the experience as required by Standing Direction No.36 was not stated in the tender notice, the same ought to have been challenged at that stage as being contrary to Standing Direction No.36. The same has not been done. The petitioner participated in the tender process without any protest. We also find that the period during which the work was to be carried out came to an end on 31.03.2022.

In these facts, we do not find any reason to invoke writ jurisdiction to grant relief to the petitioner. Keeping the points raised in writ petition open for being considered in an appropriate case, the writ petition is dismissed. No costs.