

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 2720/2022

(M/S S.G. MOTWANI **VERSUS** VI.D.C., NAGPUR & OTHERS)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.*

Court's or Judge's order

Shri Gopal Sawal, counsel for the petitioner.
 Ms Ashwini A. Athalye, counsel for the respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : JUNE 10, 2022.

C.A.W. NO. 1211/2022.

The learned counsel for the petitioner does not press this application. It is accordingly disposed of.

C.A.W. NO. 1233/2022.

Considering the nature of amendment as proposed and as the petitioner seeks to implead the present lowest bidder as respondent no.4, the amendment is granted. The same be carried out within a period of one week from today.

The civil application is disposed of.

WRIT PETITION NO.2720/2022.

The challenge raised by the petitioner is to its disqualification in the tender process for the reason that Form No.7 was incompletely submitted by it. As per Form No.7, information with regard to the works in hand after 05.03.2019 have to be indicated. Form No.7 submitted by the petitioner states that such information has been provided as per the papers attached in the form of certificates. *Prima-facie*, the Tendering Authority has relied upon Clauses 3.2.5 and 3.2.11 while disqualifying the petitioner. By relying upon the decision in *Shri Vyankatesh Trading Company Versus Food Corporation of India & Another* [(2016) 5 BCR 717], it is urged by the learned counsel for the petitioner that the financial bid of the petitioner was more competitive than the one submitted by the respondent no.4.

Issue notice for final disposal of the writ petition to the respondent no.4 returnable on 20.06.2022.

In addition, service by E-mail is permitted.

Any further steps pursuant to the tender notice would be subject to final orders passed in this petition.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

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