

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

WRIT PETITION NO.3859 OF 2022
(M/s. GESE India vs. State of Maharashtra and others)

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

Ms. N.P. Mehta, Assistant Government Pleader for
respondent no.1.

Shri J.B. Kasat, Advocate for respondent nos.3 to 5.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : SEPTEMBER 23, 2022

Nobody is present for the petitioner.
Heard Ms. Mehta, learned Assistant Government
Pleader for the respondent no.1 and Shri Kasat,
learned Counsel for the respondent nos.3 to 5.

2) Nobody is present for the respondent
no.2, but role of the respondent no.2 is limited to
only providing of estimate of mechanical equipments
– improvised and automatised operations for Fisheries
Hub at Badnera, Amravati. The respondent no.2 is
a formal party.

3) Shri Kasat, learned Counsel for the
respondent nos.3 to 5, submits that there were two
tender notices – first being tender notice no.783199

and other being tender notice no.783177 for allotment of above referred work and for the first tender notice, the Corporation received only one bid, which was of petitioner and it was 12% above the cost estimated in the tender notice and the petitioner had also refused to bring it down through negotiations and, therefore, in any case, as per existing Rules, this tender notice could not be taken to its logical end. This tender notice as per existing Rules was required to be cancelled and it was accordingly cancelled.

4) As regards the second tender notice, it is submitted by learned Counsel Shri Kasat that the petitioner submitted its bid, which was 13% above the estimated cost and the lowest bidder had also submitted his bid somewhat in excess of the estimated cost. He further submits that by that time, the Amravati Municipal Corporation started facing financial constraints, because of which the Corporation was not in a position to discharge its liability, if the tender process at those costs had been completed. He further submits that the estimated cost of the first tender notice was of Rs.3,60,76,800/- and the estimated cost of the other tender notice was of Rs.39,70,000/-. Thus, the total estimated costs of both tender notices was of Rs.4,00,46,800/-. He further submits that as per the

estimate of cost given by the respondent no.2 vide its letter dated 23/9/2019, it was exactly of the same amount and, therefore, it was necessary for the Corporation to complete the project at the same estimated cost or below it. He further submits that if both these tender notices had been allowed to result in issuance of work orders, the total cost of the project would have exceeded the estimated cost given by the respondent no.2, which was not permissible as per the policy of the State Government. It is, therefore, submitted that both the tender notices were cancelled by the Corporation and now a fresh tender process has been initiated.

5) The submissions of Shri Kasat, learned Counsel for the respondent nos.3 to 5, appear to be in the financial interest and discipline of the State and, therefore, we do not see any mala fides in the action of the respondent nos.3 to 5 in cancelling the impugned tender notices and initiating fresh tender process. There is no merit in the petition and, therefore, the same stands dismissed. No costs.

JUDGE

JUDGE

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