

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.228 OF 2019
WITH WP/8362/2019**

**MAHATMA PHULE MULTI SERVICES PARBHANI THROUGH
PROPRIETOR JAYKUMAR NAGORAO KALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. M.R. Andhale
AGP for Respondent Nos. 1 and 2:Mr. A.R. Kale.
Advocate for respondent No.3 : Mr. S.S. Sarda h/f. Mr. S.S.Bora.
Advocate for respondent No.4 : Mr. B.L. Sagar Killarikar.

**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 28th APRIL, 2023

P.C.:-

Heard Mr. Andhale, learned counsel for the petitioner.

2. The respondent No.3 published an E-tender on October 22, 2018, thereby inviting offers from the eligible candidates for collection and transportation of solid waste in the area respondent No.3, local planning authority.

3. The petitioner is questioning the said E-tender process as the respondent No.4 was declared to be the successful candidate.

4. According to Mr. Andhale, learned counsel for respondent

No.4 has not qualified all the tender conditions and as such, he is not eligible. According to him, in this background, the candidature of respondent No.4/offer made by him ought to have been rejected by the respondent No.3 local planning authority. To be more specific, he has raised an issue that the respondent No.4 has not produced the Labour Contract Licence which is an essential condition as per clause No.22.1. He would as such urge that the respondent authority ought to have rejected the tender of respondent No.4.

4. Mr. Sagar Killariker for respondent No.4, Mr. S.S. Sarda for respondent No.3, so also learned AGP Mr. Kale, for respondent Nos. 1 and 2 would support the award of tender in favour of respondent No.4.

5. We have appreciated the submissions. The fact remains that the tender in question is for a period of five years and the respondent no.4 till this date has already completed execution of work for almost four and half years. As far as the requirement of satisfaction of the condition qua the submission of labour licence is concerned, fact remains that such licence can be issued only after the award of contract in favour of respondent No.4. In that view of the matter, no case for causing interference is made out. Petition, as such, stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

[NITIN W. SAMBRE]
JUDGE

grt/-