

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

WRIT PETITION NO.2708 OF 2023

**PRAKASH MANGU PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

...

Advocate for Petitioner : Mr. S. P. Kausalye
AGP for Respondents: Mr. S.B. Yawalkar.

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

DATE : 8th MARCH, 2023

P.C.:-

The claim of the petitioner is that, in technical bid, the petitioner was shown to be qualified. However, subsequent thereto, while evaluating the price bids, the petitioner was shown to be not qualified so as to accommodate the respondent/successful bidder.

2. In response to the Court's query, the counsel for petitioner informs that though work order is issued, the work has not commenced. Be that as it may, considering the scope, to extent of which we can cause interference under Article 226 in tender matters, particularly, when the work order is already issued, we are not intending to cause any interference.

3. Petition is accordingly disposed of. However, we direct that the representation of the petitioner dated September 22, 2022, be decided by the respondent No.3 within a period of four weeks from today. It is further clarified that it shall be open for the petitioner to initiate proceeding for compensation against the respondent, to which he is entitled, independent of the disposal of the petition.

[S.G. CHAPALGAONKAR]
JUDGE

[NITIN W. SAMBRE]
JUDGE

grt/-