

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 11339 / 2023

Kiran s/o Bhausahab Mhaisdhune

...Petitioner

Versus

1. The Executive Engineer,
Nandur Madhmeshwar Irrigation,
Vaijapur Division, Taluka Vaijapur,
Dist. Aurangabad.
2. The Superintendent Engineer,
Administrator, Benefit Area Development Authority,
Aurangabad, Dist. Aurangabad.
3. K. K. Constructions,
Through its Partner,
At Post Vaijapur,
Tq. & Dist. Aurangabad.
4. B. B. Lahamange,
Through its Partner,
At Post Vaijapur,
Tq. & Dist. Aurangabad.

...Respondents

Mr. Pradeep Vikramrao Tapse, Advocate for the Petitioner.

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 14 SEPTEMBER 2023.

FINAL ORDER [SHAILESH P. BRAHME, J.] :

. Heard the learned Counsel for the petitioner.

1. The petitioner is challenging the tender notice and the work orders issued by the respondent no.1 and 2 in favour of respondent no.3 and 4. Further directions are also sought to undertake the tender process afresh.

2. The petitioner participated in a tender process undertaken by the respondent no.1 and 2 alongwith other bidders including the respondent no.3 and 4. The petitioner was disqualified. The respondent no.3 and 4 are held to be successful bidders. There is no challenge to the disqualification of the petitioner. However, objections are raised to certain tender conditions and the selection of respondent no.3 and 4.

3. We find that the petition lacks the better particular. The petitioner has participated in a process but disqualified. It is not shown by the petitioner that before participating in the tender process any objection was raised by him for the tender conditions. It is not permissible to object the tender condition or to challenge the selection of respondent no.3 and 4. The petitioner failed to substantiate the grounds of objections raised to the tender process in question. The petition is vague in its pleadings and the challenge. We find that no case is made out by the petitioner. The petition is liable to be dismissed.

4. We have dismissed Writ Petition No.10517/2023 filed by the unsuccessful bidders M/s A.G. Construction by speaking order. The selfsame tender process was under consideration. We have upheld the disqualification.

5. There is no merit in the petition and it is dismissed.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]