

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

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WRIT PETITION NO. 4801 OF 2023

Jan Adhar Sevabhavi Sanstha Petitioner

Vs.

Pimpri Chinchwad Municipal
Corporation Respondents

Mr. Muthhar Khan I/b. Mr. Lalit Joshi for the Petitioner

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE,J.**

DATED : APRIL 10, 2023

P.C.

1. The Petitioner had filled in tender pursuant to the public notice issued by the Respondents for Bio-Mining of Legacy Waste. The Petitioner's bid is rejected.

2. The learned Counsel for the Petitioner submits that one of the terms of the tender is that the bidder ought to be a Company, Partnership Firm and LLP. Individual bidder is not considered and in case of consortium the lead member ought to be a Company. According to the learned Counsel, there is no rationale behind excluding a society or

entitling the others i.e. company, partnership or LLP and in case of consortium the lead member to be a Company. If an individual also qualifies, the individual should be held eligible. The said term in the tender is arbitrary, illegal and does not stand to any rational. The learned Counsel for the Petitioner submits that same term has been set aside by the Delhi High Court by the judgment and order dated 13th January 2023 passed in Writ Petition No.14732 of 2022.

3. The last date for filling in the tender was in January 2023. It was extended. The Petitioner participated in the tender process without any demur. The bid of the Petitioner was rejected on 17th March 2023. After the bid is rejected, the Petitioner has challenged the condition in the tender.

4. It is trite that it is not open for a party to challenge the terms of the tender after participating in the tender process and having disqualified in the process. We would have certainly entertained the petition, had the Petitioner approached the Court earlier i.e. before participating in the tender process.

5. In light of the above, no relief can be granted to the Petitioner. The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.) (ACTING CHIEF JUSTICE)