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

WRIT PETITION NO.9464 OF 2023

M/s. Swarajya Tantrik Prashikshit
Berojgar SSS Maryadit

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Swapnil V. Walve a/w. Mr. Shirish Shivgan for the Petitioner

Mr. P. P. Kakade, Government Pleader with Mr. M. M. Pabale, AGP
for the State

Mr. Amey Deshpande with Harsh Nishar and Vandana Bait for
Respondent Nos.2 to 4

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : JULY 31, 2023

P.C.

1. Heard Shri Swapnil Walve, learned Counsel representing
the Petitioner and Shri Amey Deshpande, representing
Respondent Nos.2 to 4.

2. This Petition has been instituted under Article 226 of the
Constitution of India with the following prayers:

"a) this Hon'ble Court be pleased to issue a Writ of

Certiorari or any other appropriate writ order or direction under Article 226 of the Constitution of India calling for the records of the tender proceeding;

b) this Hon'ble Court be please to direct the respondents to consider the exemption in work experience in respect circular dated 23rd May, 2007 of MAHAGENCO and Government Resolution dated 17th August, 2002 and 31st June 2003;

c) this Hon'ble Court may kindly direct to the respondent No.3 to open the price bid of E-Tender being no NTPS/2023-24/ Test – II/RfX-3000038715 dated 23rd May 2023 (3rd Tender);

d) pending the hearing and disposal of the present Petition this Hon'ble Court be pleased direct the respondent No.3 not to allot work order to any of the bidder for providing Assistance to Engineer & Technicians of TIC-II section for day to day work tender no.NTPS/2023-24/ Test II/ Rfx-3000038715 (3rd Tender);

e) ad-interim relief in terms of prayer clause (c) above;

f) For such further and other reliefs as the nature and circumstances of the case may require.”

3. It is not in dispute that the Petitioner has participated in the tender process in respect of which a prayer in the Writ Petition has been made to quash and set aside.

4. Learned Counsel representing Respondent Nos.2 to 4 has drawn our attention to qualifying requirements of the bid document, especially the requirement mentioned at paragraph No.1.3 according to which the bidder should have experience of

providing man power assistance to Electrical / I & C Maint. Works / Maint.of Electrical / Testing / Instrumentation equipments in 200 MW or above capacity unit.

5. It has been argued on behalf of the Respondents that the Petitioner, admittedly, does not fulfill the said requirement and accordingly his technical bid itself was rejected.

6. There is nothing on record from which the Court can conclude that the Petitioner had fulfilled the requirement as mentioned in paragraph 1.3. Accordingly, in absence of any material before us establishing that the Petitioner fulfills the qualifying requirement mentioned at paragraph 1.3, we have no hesitation to hold that the technical bid of the Petitioner was rightly rejected. We also note that the work order pursuant to the tender process which is in question in this Petition, has already been issued.

7. For the reasons aforesaid, we do not find any good ground to entertain the Writ Petition. It is hereby dismissed.

(ARIF S. DOCTOR,J)

(CHIEF JUSTICE)