

jvs

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

SALUNKE
JV

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WRIT PETITION NO. 11102 OF 2022

M/s. Siddhanath Constructions } Petitioner
Versus
The State of Maharashtra & Ors. } Respondents

Mr. Umesh R. Mankapure for the petitioner.

Mr. M. M. Pabale, AGP for State.

Mr. Abhinav Bhatkar i/b. Mr. Vijay Killedar
for respondents 3 and 4.

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

DATE: JANUARY 31, 2023

P.C.:

1. The petitioner was issued work order on or about 7th March 2022. Subsequently, the same is cancelled under the impugned order. The same is cancelled on the ground that the petitioner did not comply with the condition that the petitioner should possess experience of five years' work and should produce the work done certificate. The work should be of Government/Semi-Government institution.

2. The learned advocate for the petitioner submits that the tender of the petitioner was accepted. The Technical Committee evaluated the bid of the petitioner and it was accepted that the petitioner was qualified in all respects and the bid of the petitioner was accepted. The learned advocate refers to the certificated produced by the petitioner to contend that similar work was done for five years.

3. The learned advocate for the respondents submits that the petitioner failed to produce the certificate as required. The certificate of the similar work done of Government/Semi-Government institution should be between the years 2016-2017 and 2020-2021. Three show-cause notices were issued to the petitioner, but the petitioner did not comply.

4. If the tender of the petitioner was accepted erroneously, the same would not operate as an estoppel. Noticing the defect, three show-cause notices were issued to the petitioner. The petitioner could not show that the petitioner has the necessary experience as is required.

5. In light of that, no error has been committed by the respondents while cancelling the work order. The writ petition is dismissed. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)