

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2649/2023

(M/S A.P.D. A JOINT VENTURE **VERSUS** WESTERN COALFIELDS LIMITED, NAGPUR)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri A.A. Naik, counsel for the petitioner.

Shri A.S. Jaiswal, Senior Advocate with Shri N.G. Moharir, counsel for the respondent.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : APRIL 28, 2023.

The grievance of the petitioner is failure to upload its E-bid pursuant to the tender notice dated 28.03.2023 by urging that the Government E-Marketplace (GEM) portal did not enable uploading of the bid document on 17.04.2023 at about 09.040 a.m. The said document was to be uploaded by 11.00 a.m. on the same date.

2. Having heard the learned counsel for the parties and having perused the documents placed on record, we find that initially on 17.04.2023 at 09.40 a.m. the petitioner informed the respondent that it was facing a problem in uploading the bid document. One such E-mail has also been addressed to GEM helpdesk. Reply was received at 10.23 a.m. on 17.04.2023 stating therein that the said portal had provided a resolution to the issue related to bid participation. We find from the reply of the respondent that two other bidders have uploaded their documents at 10.04 a.m. and 10.39 a.m. on 17.04.2023. The question whether the fault was at the end of the petitioner or at the GEM portal is an issue that would have to be adjudicated. The same however cannot be adjudicated in the absence of the said portal.

3. On the basis of the material on record, we do not find any such document to enable this Court to hold that the petitioner was not at fault for not being able to upload its bid document. In that view of the matter, we do not find it necessary to interfere in writ jurisdiction.

4. The writ petition stands dismissed with no order as to costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

APTE