

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

WRIT PETITION NO.3504 of 2023

Pappu s/o Fuldas Mahant, Narkhed

vs.

State of Maharashtra, Urban Development Department, through its Secretary, Mantralaya,
Mumbai and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Shakil V. Deshmukh, Advocate for petitioner.

Ms N. P. Mehta, Assistant Government Pleader for respondent nos. 1 and 4.

CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 8th JUNE, 2023

The petitioner seeks to challenge rejection of his technical bid on the ground that his firm is not registered with the Public Works Electrical Department in terms of the tender notice.

2. Municipal Council, Narkhed issued a tender notice in the matter of installation of solar power plant for water supply scheme. One of the conditions in the tender notice was that a bidder should be registered with Public Works Electrical Department. The petitioner submitted his technical bid and on evaluation, the same was rejected since there was no registration certificate. A direction for re-tender has also been issued.

3. The learned counsel for the petitioner submits that the petitioner has been registered with the Industry, Energy and Labour Department of the State Government and such registration is sufficient to enable the petitioner to participate in the tender process. According to him, the requirement of registration with the Public Works Electrical Department is unjustified especially in view of the Government Resolution dated 04.10.2016. He therefore submits that rejection of the technical bid ought to be set aside and the petitioner's technical bid

ought to be accepted.

4. Undisputedly, the tender notice prescribed a condition of registration with the Public Works Electrical Department. The petitioner responded to the tender notice and submitted his bid. On its rejection for want of registration in terms of the tender notice, the petitioner has now challenged that condition in the tender notice. Having participated in the tender process, it would not be permissible for a bidder to raise a challenge to the tender condition after rejection of the technical bid.

5. In that view of the matter, we do not find that the writ petition can be entertained in these facts. The same is accordingly rejected. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.