



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10427 OF 2023

Abhijeet Narayan Kashid
Age: 23 years, Occu.: Business,
R/o. Kalpataru Apartment,
Savtamali Chowk, Beed,
Taluka and District Beed.

.. PETITIONER

VERSUS

1. State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai – 400 032.
2. The Collector, Beed
Office of the Collector, Beed.
3. Chief Executive Officer,
Zilla Parishad, Beed
Office of the Zilla Parishad,
Beed at Patoda.

.. RESPONDENTS

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Mr. Sayyed Tauseef Yaseen, Advocate for the petitioner.
Mr. V. M. Jaware, AGP for the respondents – State.
Mr. P. D. Suryawanshi, Advocate for respondent No.3.

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATE : JANUARY 19, 2024.

ORDER (Per Smt. Justice Vibha Kankanwadi) :-

. Present petition has been filed challenging the disqualification of the petitioner from the technical bid scrutiny dated 14.08.2023 and 17.08.2023 and later on, by amendment, it is prayed that the

technical bid scrutiny dated 22.08.2023 disqualifying him from participation in the tender process should also been quashed and set aside. The consequential prayer to qualify him in the technical bid has also been made.

2. The facts leading to the petition are that the tenders were issued by respondent No.3v- Zilla Parishad for various works to be carried out under Jal Jivan Mission vide tender notice dated 14.03.2022 and 21.03.2022. The petitioner participated in the tender process along with joint venture agreement with one B. B. Lahamge. The petitioner contends that he is educated unemployed engineer and also registered himself in the same category with the office of Maharashtra Jivan Pradhikaran. Respondent No.3 communicated the petitioner that the tender ID is not mentioned in the work experience certificate which was submitted by him and accordingly, the defects were pointed out. The defects were cured by the petitioner. Two agencies stated that they do not wish to participate in the tender process, as the tender process is consuming lot of time. Those two bidders took their money back. The petitioner received E-mail dated 14.08.2023 from respondent No.3 informing that his bid for Sakshalpimpri has been rejected. Another E-mail dated 18.08.2023 informed that his bid for Murshedpur has also been rejected. Thereby the petitioner was disqualified. It is submitted that in fact, the technical bid opened on

17.08.2023 bears the signature of Executive Engineer, Namdeo Ubale, who had retired in the month of April, 2022. Therefore, the disqualification of the petitioner is illegal. The joint venture of the petitioner along with B. B. Lahamge was not accepted on the ground that B. B. Lahamge's registration was cancelled on 22.08.2022. The respondents did not consider that the petitioner being educated unemployed engineer was still eligible to participate. On these grounds, the petition has been filed.

3. Heard learned Advocate Mr. Sayyed Tauseef Yaseen for the petitioner, learned AGP Mr. V. M. Jaware for the respondents – State and learned Advocate Mr. P. D. Suryawanshi for respondent No.3. In order to cut short, it can be said that all of them have made submissions in support of their respective contentions.

4. At the outset, we do not want to go into the disputed facts when the disqualification sheet was signed by Mr. Namdeo Ubale. It appears from the affidavit-in-reply filed by respondent No.3 that initially when respondent No.3 had published tender notice on 14.03.2022 and 21.03.2022, when one of the contractor, namely, Ganesh Khande's bid was rejected, he challenged the same by filing Writ Petition No.6411 of 2022 before this Court. By order dated 10.08.2022, the Zilla Parishad, Beed was directed by this Court to proceed with the fresh tender process, but should not finalize it. In view of the same, the fresh

E-tender notice was published on 14/15.11.2022, however, thereafter respondent No.3 by passing an order dated 19/20.04.2023, recalled his own order dated 10.06.2022. Therefore, the said Writ Petition No.6441 of 2022 came to be disposed of by this Court, thereby the tender process was restored from the stage it proceeded. The petitioner's registration certificate issued for the period between 31.12.2019 to 30.12.2022 was cancelled by Maharashtra Jeevan Pradhikaran and it is not still restored. In fact the technical chart was prepared earlier when Mr. Namdeo Ubale was in service. Therefore, his signature is appearing on the scrutiny sheet. The petitioner has participated by suppressing the action of cancellation of registration and, therefore, the disqualification is justified.

5. From the above-said facts it is crystal clear that the registration of one of the joint venture holder B. B. Lahamge was cancelled and he was blacklisted by order dated 22.08.2022. When it was a joint venture, though the present petitioner was not at fault, yet the concerned authority could not have gone ahead with the tender process only in the name of the petitioner. The rejection was obvious. The present petition has also been filed by one person and not by the joint venture, who had taken part in the bid. When it is a tender process, this Court would be very slow in minute scrutiny. There is substance in the point by respondent No.3 that since one of the entity

in the joint venture was under disqualification and that disqualification has been suppressed, the said joint venture, that means the disqualified member, cannot become eligible.

6. No case is made out for exercising the constitutional powers of this Court under Article 226 of the Constitution of India.

7. For the above-said reasons, the Writ Petition stands dismissed.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm