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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 289 OF 2024

**MS ADVANCED SPORTS TECHNOLOGIES LTD THROUGH AUTHORIZED
OFFICER RAJIV KUMAR SHARMA**

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS
.....Respondent

.....

Advocate for the Petitioner : Mr. Chatan T. Jadhav.

AGP for Respondents: Mr. N.S. Tekale.

**CORAM : SMT. VIBHA KANKANWADI
& S.G. GHAPALGAONKAR, JJ.**

DATE : 11th JANUARY, 2024.

P.C. :-

Heard learned counsel for the petitioner and learned Government Pleader for respondent Nos. 1 to 4.

2. The Technical Bid of the petitioner has been rejected and, therefore, the petitioner is before this Court.

3. Perusal of the chart giving reasons for rejection of the Technical Bid especially in respect of the petitioner would show that it has been rejected on 4 counts, i.e. ground No. 8, 11, 14 and 15 as mentioned hereinbelow :-

Sr.No	Brief Description of contents	Remark
8.	Bid Capacity Calculation Certificate certified by C.A. for this tender (Refer Attached Annexure A for calculation). The tenderer will be qualified only if their available bid capacity is more than the total estimated value of works for which he has offered his bid	NO. Provided but not certified by C.A. Page No. 79
11,	The bidder should have completed on his own name (as a prime bidder) similar works during last seven years ending previous day of last tender submission	NO Out of all projects submitted, only one project of Sheopur,

	date and obtained work completion certificate from client not below the rank of Executive Engineer or equivalent. Upload scan of the same certificate. a. One similar work costing not less than the amount equal to 80% of the estimated cost of the project tendered (Cost of single work Rs. 9,13,54,210/- OR b. The similar works costing not less than the amount equal to 50% of the estimated cost of the project tendered (Cost of single work : Rs. 5,70,96,381/- OR c. Three similar works costing not less than the amount equal to 40% of the estimated cost of the project tendered (Cost of single work Rs. 4,56,77,105/- Similar type of work means Supply & Installation of Cast in situ 400 meter synthetic Athletic tracks in India alongwith FIFA approved natural/authentic football fields and allied civil works.	MP suffices the critetria of completing synthetic track alongwith football field, but not sufficient the cost criteria of one similar project of 80% value. All other projects have shortfall of either football field construction Page no. 32-
14.	The track product given must be a World Athletics (IAAF) Certified Product with a minimum thickness of 14 mm or more and be of American/Australian/European origin. Documentary evidence in this respect must be supplied with the bid.	NO The bidder has gone with product Polytn Rekortan M whose thickness is 13.2 mm against asked thickness of minimum 14 mm page 116.
15.	The bidder should have been in operation in India for a period of not less than 10 years from the last day of the previous month of the floating of the tender. Documentary proof should be provided.	No The certificate of incorporation shows dated of 3.4.2014 which indicates that the company is not in operation for a period of more than 10 years. Page No. 125.

4. After going through the record, we do not find that there is any malafides or mistake. The petitioner had provided the bid capacity calculation, but it was not certified by a Chartered Accountant. Thereafter, minimum work condition not fulfilled as regards magnitude and it has not been demonstrated as per the requirement in the tender. When the requirement is in respect of track product of minimum

thickness of 14 mm the petitioner had gone with the product of thickness of 13.2 mm and most important is that the Certificate of Incorporation was issued on 3.4.2014, which indicated that the company is not in operation for a period of more than 10 years.

5. Under such circumstances, the petitioner is unable to show the basic qualification. No relief can be granted, much less, by exercising the constitutional powers of this Court.

6. Petition stands dismissed at threshold.

[S.G. CHAPALGAONKAR, J]

[SMT. VIBHA KANKANWADI, J]

grt/-