

Shabnoor

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

WRIT PETITION NO.10052 OF 2024

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AYUB
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Date: 2024.07.23
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M/s. C 4 Infrastructures Pvt. Ltd. ... Petitioner

V/s.

Maharashtra State Road Transport
Corporation, Nashik Division
Through Its Executive Engineer
& Ors. ... Respondents

Mr. Surel Shah a/w Mr. Vishal Tambat with Ms. Chaitali Bhogle, with Mr. Rishabh Tiwari with Mr. Vitthal Sankpal and with Mr. Sagar Ksar for Petitioner.

Mr. Nitesh Bhutekar a/w Mr. Aniket Nangare for Respondent Nos.1 to 3.

Mr. P. P. Kakade, Government Pleader with Mr. O. A. Chandurkar, Additional Government Pleader with Ms. G. R. Raghuwanshi, Additional Government Pleader for Respondent No.5.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATED : JULY 23, 2024

P.C.:

1. On the oral prayer made by the learned counsel for petitioner, let the Principal Secretary (I.T.) be impleaded and as party-respondent No.6.

2. Necessary amendment shall be incorporated by the learned counsel for the petitioner during the course of the day.

3. Re-verification is dispensed with.
4. Issue notice to respondent Nos.1 to 3 and newly added respondent no.6, returnable on **6th August 2024**.
5. Mr. Bhutekar, learned counsel has put in appearance on behalf of respondent Nos.1 to 3 and waives service of notice, whereas Mr. Kakade, learned Government Pleader puts in appearance on behalf of respondent No.5-State and waives service of notice.
6. The petitioner states that the subject tender appears to have been declared non-responsive purportedly for the reason that the petitioner had not submitted the Geo-Tagging certificate signed by the Divisional Engineer. The submission of the petitioner is that despite making several requests, the Divisional Engineer did not sign Geo-Tagging certificate which prevented the petitioner from submitting the same. As a result of which, without there being any fault on its part, the petitioner's bid has been declared as non-responsive.
7. We have been informed that on 5th July 2024 a technical bid was opened wherein the petitioner's technical bid was rejected and simultaneously the financial bid was also opened.
8. To ascertain the financial bid offered by the petitioner, we direct that the financial bid submitted by the petitioner shall also be opened, and the rates quoted by the petitioner shall be brought on record of this petition by way of an affidavit to be filed by the respondent No.1. We have been

informed that the entire tender process has been conducted through E-mode on the portal www.mahatender.com managed by the National Informatics Center (NIC).

9. Accordingly, for compliance of this order, the NIC or any other concerned authority shall extend full cooperation to the respondents. The technical bid of the petitioner shall be opened within ten days from today.

10. Stand over to **6th August 2024**. To be placed **High on Board**.

11. The respondent-Corporation shall file their affidavit-in-reply disclosing the rate quoted by the petitioner by the next date.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)