



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

Writ Petition (WP) No. 3969 of 2023

Industrial Securities Services Nagpur through its proprietor Basdeosingh
Mukhtyarsingh Sogarwal

Versus

Nagpur Improvement Trust, Nagpur through its Chairman, Sadar,
Nagpur 440 001 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 B.G.Kulkarni, Advocate for the petitioner.

Shri S.M.Puranik, Advocate for the respondent no.1 and
2.

Shri Akshay Naik, Advocate for the respondent no.3.

**CORAM : ANIL S. KILOR, AND
SMT. M.S.JAWALKAR, JJ.
DATED : 19th MARCH, 2024.**

Heard.

2. The bid of the petitioner for the work, providing services of computer operator and electrician was held to be unresponsive as the petitioner quoted the rate 0.00 for the work computer operator (scheme).

3. It is the case of the petitioner that since there were two items and the tender was composite one and for the work of providing service of electrician (skilled), the rate was quoted 0.01, therefore, it cannot be said that, the rate was quoted 0.00. He therefore,

submitted that the rejection of the bid of the petitioner is erroneous.

4. On the other hand, Shri Puranik, learned counsel for the NIT points out that the tender notice was issued on 16th February, 2023 and a corrigendum was issued on 10th March, 2023, thereby clause 'L' was amended and it was clarified that in any case the rate quoted by the bidder should not be 0.00 per person per day but it should be more than 0.00, otherwise, the bid will be considered as unresponsive.

5. It is submitted that this corrigendum was communicated to all the bidders including the petitioner and seven days time was granted for necessary action, which opportunity the petitioner failed to avail. He, therefore, submits that the rejection of bid is just and proper.

6. Shri Naik, learned counsel for the respondent no.3 successful bidder reiterated the submission of Shri Puranik and prays for dismissal of the present writ petition.

7. In light of rival submissions, we have perused the record.

8. There is no dispute about the fact that for the service of computer operator the petitioner quoted rate 0.00. Whereas, by way of corrigendum dated 10th

March, 2023 it was made clear to all the bidders that in any case the rate should not be 0.00 otherwise, bid would be considered as unresponsive.

9. Moreover the petitioner is not disputing that sufficient opportunity was given to the bidders including the petitioner after the corrigendum dated 10th March, 2023 was issued to correct the bid document.

10. As far as submission made by the petitioner that, for the work of electrician, the rate quoted by the petitioner was 0.01 and therefore since the tender was composite it cannot be said that the rate quoted was below 0.00.

11. We do not find favour with this argument for the reason that though the tender was composite the condition namely quoting of a rate 0.00 would make the bid unresponsive as per corrigendum dated 10th March, 2023, was applicable to both the work independently. Hence, the bid of the petitioner was rightly held to be unresponsive as the petitioner quoted the rate 0.00 for the first work i.e. computer operator (scheme).

12. Furthermore, the period of the tender is one year out of which seven months have already been lapsed, during this period the respondent no.3 has been providing the services as per the work order issued to him.

13. In the circumstances, we do not find any merit in the present writ petition. Accordingly, the writ petition is dismissed.

[M.S.JAWALKAR, J.]

[ANIL S. KILOR, J.]