



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

Writ Petition (WP) No. 4365 of 2023

Sai Security Services

Versus

Agricultural Produce Marketing Committee, Amravati 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 P.S.Patil, Advocate for the petitioner.

Shri R.P.Joshi, Advocate for the respondent no.1.

Shri Y.N.Sambre, Advocate for the respondent no.2.

Shri V.G.Bhamburkar, Advocate for the respondent
no.5.

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

Heard.

2. The acceptance of tender of respondent no.2 for providing security services is under challenge in this writ petition on the ground that certain necessary documents were not submitted by the respondent no.2 along with technical bid and despite the same, the financial bid was opened and ultimately without considering the objection raised by the petitioner the bid of the respondent no.2 was accepted as he was L-1.

3. Shri Patil, learned counsel for the petitioner has pointed out the documents submitted by the petitioner in a particular format whereas in comparison the documents filed by the respondent no.2 were not in a particular format fulfilling the tender conditions.

4. On the other hand, Shri Joshi, learned counsel for the respondent no.1 submits that the compliances were properly made by the respondent no.2 and therefore bid was accepted.

5. It is submitted that the technical bid was opened on 20th April, 2023 whereas, first time the objection was taken on 9th May, 2023 i.e. after opening of the financial bid on 6th May, 2023.

6. It is submitted that no objection was raised immediately after technical bid was opened and though petitioner had knowledge about the documents submitted by the respondent no.2, because the documents were available for perusal in view of the digital signature certificate was issued to all the bidders. It is submitted that now the period more than 8 months out of total period of one year is over during which period the respondent no.2 has been working. He, therefore, prays for dismissal of the present writ petition.

7. Shri Sambre, learned counsel for the respondent no.2-successful bidder submits that objections are highly technical and that documents submitted by the respondent no.2 provides necessary information and fulfill the requirement as sought by the respondent no. 1 to qualify to participate in the financial bid. He, therefore, submits that the petition is liable to be dismissed.

8. Shri Bhamburkar, learned counsel for the respondent no.5 reiterates the submission of APMC and prays for dismissal of the present writ petition.

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

10. Undisputably the technical bid was opened on 20th April, 2023. It was open for all the bidders to go through the bid documents of other bidders by using the digital signature certificate provided by the respondent no.1. This facility was provided for transparency in the process and to facilitate the bidders to raise objection if they want, as regards qualification to participate in the bid process.

11. In the present matter the objection was raised after the financial bid was opened and after observing that the petitioner is not the lowest bidder.

12. The period of tender is one year period, out of which eight months period has already been lapsed and considering the documents submitted by the respondent no.2, it is evident that it may not in the same format in which the documents were submitted by the petitioner, but fulfill the tender conditions as pointed out by the learned counsel for the respondent no.1.

13. In that view of the matter, we do not find any error committed by the respondent no.1 in accepting the bid of the respondent no.2. Hence, the writ petition is dismissed.

[M.S.JAWALKAR, J.]

[ANIL S. KILOR, J.]