



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3811 OF 2025

Arjun s/o Govardhan Pawar,
Age 40 years, Occ. Agree,
R/o. Talkhed, Tq. Majalgaon,
Beed.

... Petitioner

VERSUS

- 1) The State of Maharashtra
Through its Gramvikas Department,
Mantralaya, Mumbai.
- 2) Chief Executive Officer,
Zilla Parishad, Beed.
- 3) Block Development Officer,
Panchayat Sameeti, Majalgaon
Dist. Beed.
- 4) Deputy Engineer Works (W)
Special Division, Tq. Majalgaon,
Beed.
- 5) Gram Panchayat,
Talkhed, Tq. Majalgaon,
Dist. Beed.

... Respondents

...
Advocate for Petitioner : Mr. C.V. Thombre
A.G.P. for Respondents/State : Mr. V.M. Kagne

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 20.03.2025

ORDER : (MANGESH S. PATIL, J.)

Heard the learned advocate for the petitioner.

2. The petitioner claims that he was intending to participate in the tender process floated by respondent no. 5 Grampanchayat dated 03.02.2025, whereby five development works were to be undertaken. It is his stand that the last date for filling in the tender forms was 11.02.2025.

On the very day he submitted application to respondent no. 5 to provide the documents but he was not available in the office. When he approached respondent no. 3-Block Development Officer, he issued directions to respondent no. 5-Gram Sevak on 17.02.2025. The documents were not supplied. Respondent no. 4-Deputy Engineer, Sub Division, Majalgaon, has joined hands with respondent no. 5 Gramsevak and for this reason he prays that the tender process be cancelled and a fresh tender notice be published.

3. The learned advocate for the petitioner takes us through the papers and would submit that the petitioner was desirous of applying pursuant to the tender notice but was short of documents. He submitted written application on 11.02.2025 to respondent no. 5 Gramsevak, but he did not provide it. Even a WhatsApp message was sent. A complaint was lodged with respondent no. 3-Block Development Officer regarding the conduct of respondent no. 5 Gramsevak, who directed the latter by communication dated 17.02.2025, to provide necessary documents to the petitioner. Still respondent no. 5-Gramsevak did not pay any heed. He submits that the circumstances are indicative of underhand dealings and surreptitious conclusion of the tender process. The petitioner has been deprived of a fair opportunity to participate. There is no transparency and the petition deserves consideration.

4. We have considered the submissions of the learned advocate for the petitioner and perused the papers. Admittedly, the E-tender notice in question was published on 03.02.2025. The offers were to be submitted between 04.02.2025 and 11.02.2025 up to 5 p.m. There is nothing on the record to demonstrate that prior to 11.02.2025, the petitioner had approached the respondents seeking documents. His first application addressed to respondent no. 5-Gramsevak is dated 11.02.2025 (**Exh. C**). This application mentions that the tender notice was not properly published and that when he approached respondent no. 5-Gramsevak on 10.02.2025, the latter did not handover necessary documents rather he was told that no

other document except schedule B was required. He was not shown the file of E-tender process. He was not informed about the deposit to be made. Evasive replies were given. Though respondent no. 3-Block Development Officer was approached, she did not respond. For all these reasons he could not fill in his bid documents.

5. Pertinently, this communication does not expressly indicate and give particulars as to which documents a bidder could have sought from respondent no. 5-Gramsevak, who had floated the tender. The application/complaint is vague. There are no pleadings in the petition memo as well, giving particulars of the documents, which respondent no. 5 Gramsevak was under an obligation to furnish to the petitioner. In the absence of any such details and particulars, *ex facie* there is no material to reach a conclusion that the petitioner was legally entitled to have some documents from respondent no. 5 Gramsevak, much less which were relevant for filling in the bid documents. In the absence of which, the petitioner cannot be heard to allege that for want of documents he could not submit his offer pursuant to the tender notice in question.

6. Admittedly, the last date for filling in the offer documents was 11.02.2025. The petition has been filed on 17.03.2025 and therefore even suffers from delay and laches. In the light of above, there is no merit in the petition which persuades us to exercise the powers under Article 226 of the Constitution of India.

7. The writ petition is dismissed.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

mkd/-