



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO.14107 OF 2025

RAJESH PRAFUL CHORDIYA

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. J.V. Patil, Advocate for petitioner

Mr. S.B. Pulkundwar, AGP for State

...

WITH

CIVIL APPLICATION NO.13093 OF 2025

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 27th NOVEMBER, 2025

ORDER :

. Present petition has been filed for quashing and setting aside the impugned communication dated 22.11.2025 passed by learned District Collector, Chhatrapati Sambhajinagar, whereby technical bid of petitioner was rejected. Consequential prayers have been made for acceptance of bid. Application has been filed to add subsequent events and to change the nomenclature of petitioner. The financial bid was open and tender was

allotted to one 'Rajesh Tent House' and, therefore, he wanted to challenge the acceptance of tender of said party.

2 The first and the foremost fact that is required to be proved in view of **M/s. N.G. Projects Limited vs. M/s. Vinod Kumar Jain and others** [2022 LiveLaw (SC) 302] that the petitioner should show that he was eligible and then only he can challenge the acceptance of tender of other person.

3 The learned Advocate for petitioner submits that the tenders were called in view of upcoming Zilla Parishad and Panchayat Samiti Elections of 2025 for providing pendol, furniture and ancillary articles on rent. The tender document made certain documents compulsory, one of those was GST clearance certificate, by the end of March, 2025. The petitioner had uploaded the GST clearance certificate signed by his Chartered Accountant. It was not mentioned in the tender document that the GST clearance certificate could be of the Department and not signed by anybody else. The technical bid of petitioner was rejected only on the ground that said clearance certificate has not been annexed. The petitioner had also submitted the tender documents in other districts. On the basis of same certificate either his or such person's certificate has been accepted, which was not issued by the Department. When the fact was made known to the

petitioner, representation was given by him, however, there was no reply to his communication dated 15.11.2025. Therefore, he again gave such communication on 19.11.2025 and then he was called for hearing on 21.11.2025. He could not remain present personally, but his nephew represented her, however, till 12.30 p.m. hearing was not given. Written communication was made immediately to the Collector that he should tell what time the hearing would be taken. It was given in writing that after Collector resumes duty at 3.00 p.m., he would be informed about the presence on telephone. No such telephone call was given and it was thereafter made known to petitioner that the tender has been given to somebody else. Letter was then given to petitioner that since the clearance certificate is not issued by GST Department, his tender documents are not accepted. Learned Advocate for petitioner relies on the decision in **Kimberley Club Private Limited vs. Krishi Utpadan Mandi Parishad and others** [MANU/SC/1469/2025] dated 31.10.2025, wherein Hon'ble Supreme Court considered that when it was stated that the Haisiyat pramanpatra, which was supposed to be attached, should be issued by which authority, then such certificate, which was not stated to be issued by District Magistrate could not have been rejected.

whether the GST clearance certificate should have been taken from the GST office or not ? No doubt, in the tender document it is stated that one of the documents that should be attached is GST clearance certificate by the end of March, 2025. It has inherent term that it should be taken from the concerned Department. Now, what has been attached appears to be the certificate issued by the Chartered Accountant of petitioner, who has not stated in his certificate that he has filed those returns. He says that the certificate has been issued on specific request of applicant and GST returns for the financial year 2024-25 were produced before him. The concerned Chartered Accountant does not claim personal knowledge about payment of taxes. If that statement or certificate could have been based only on the returns, the respondents could not have made the said condition as a mandatory condition to be given in envelope No.1 i.e. at the time of technical bid. When it is the tender in respect of rendering services to which payment of GST is compulsory, then in that case apart from the registration for GST the clearance certificate was made mandatory. Furthermore, the said tender was for and on behalf of the Election Commission and, therefore, all the direct compliances were necessary. If at some other place leniency was shown, that does not mean that present respondent No.2 should not strictly interpret the same. Now, at page No.126 petitioner has produced the GST clearance certificate taken from the appropriate officer, but it is dated 17.10.2025,

when in fact, he uploaded his documents on 15.10.2025. The technical bid was opened on 15.11.2025. That means, he was in possession, but he has not uploaded the same. He has not given any reason as to why in spite of having this document with him, he uploaded the documents issued by his Chartered Accountant.

5 By way of amendment petitioner wants to correct the name. He has filed the petition in his own name, whereas the tender that was submitted was in the name of business. The petitioner ought to have taken precaution for filing the petition in appropriate name.

6 We do not find any merit in the submission that some time ought to have been given to petitioner to make good those documents when he was possessing. As aforesaid, the petitioner was possessing as it appears the certificate issued by the GST office. It was not uploaded. He preferred the earlier certificate issued by private person. It appears that in the past also he has participated in such tenders, so, he has knowledge about those terms and conditions, which are mandatory. As per the Government Resolution, opportunity of hearing can be given when some clarification is needed or some such documents are required which are not part of important and substantial terms. Here, it is the substantial term and, therefore, certificate of

any private person could not have been preferred. The facts in **Kimberley Club Pvt. Ltd.** (supra) are totally different. Haisiyat Pramanpatra i.e. financial ability, it can be by anybody. It was not the question of solvency. Here, it is the payment that was required to be made compulsorily to the Government under GST rules and, therefore, the certificate by the Department was necessary. Therefore, we do not find any substance in the petition. Writ Petition, therefore, stands dismissed at the threshold. Pending Civil Application stands disposed of.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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