

Jvs.

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

WRIT PETITION NO. 11437 OF 2024

JAYANT
VISHWANATH
SALUNKE

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JAYANT VISHWANATH
SALUNKE
Date: 2025.04.09
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Aquamac Enterprises & Anr.	}	Petitioners
versus		
Nashik Municipal Corporation & Ors.	}	Respondents

Mr. Jash Gandhi with Mr. Chittesh Dalmia for petitioner.

Mr. M. L. Patil for respondents 1 & 2.

Mr. R. D. Soni for respondent no. 3.

**CORAM: ALOK ARADHE, CJ. &
M. S. KARNIK, J.**

DATE: APRIL 8, 2025

ORDER: (Per Chief Justice)

- 1.** Heard learned counsel for the parties.
- 2.** Rule. Rule is made returnable forthwith. With consent of learned counsel for the parties, heard finally.
- 3.** In this writ petition, the petitioners, *inter alia*, have assailed the validity of rejection of the technical bid of the petitioners on the ground that the petitioners are not manufacturers of liquid Chlorine. In order to appreciate the challenge of the petitioners to the rejection of their bid, relevant facts need mention, which are stated infra.
- 4.** The Nashik Municipal Corporation floated an e-tender being Tender No. NMC/WSDM/26/2023-24, by which bids were invited from the companies having requisite qualification and

experience. The bidders were required to produce a certificate as manufacturer of liquid Chlorine as per the IS Specification 646/1986 or certificate from manufacturer as authorized dealer and experience certificate of having completed successfully the work of 225 MT liquid Chlorine. The petitioners, on 28th February 2024, submitted their bid. Thereafter, the tendering authority, by communication dated 10th July 2024, required the petitioners to submit all the requisite documents with regard to their eligibility criteria. The petitioners, on the same day, uploaded the documents on the portal, however, the tendering authority, by a communication dated 24th July 2024, informed the petitioners that their bid has been rejected. In this background, this petition has been filed.

5. Learned counsel for the petitioners submitted that the petitioners had submitted all the documents mentioned in the notice inviting tender, however, the bid of the petitioners has been arbitrarily rejected. It is further submitted by him that the petitioners' are manufacturers of chlorine and in all the similar tenders, their bids have been accepted and work orders have been issued to them by various other local bodies.

6. On the other hand, learned counsel for respondent-Nashik Municipal Corporation has invited the attention of this Court to the relevant eligibility criteria contained in the notice inviting tender and has submitted that the petitioners have failed to produce the certificate as manufacturer of liquid Chlorine and therefore, the bid of the petitioners has been rightly rejected.

7. We have considered the submissions made by both sides and have perused the record.

8. The petitioner no. 1 is a proprietorship firm and the petitioner no. 2 claims itself to be a manufacturer of Chlorine. The relevant requirement contained in the notice inviting tender with regard to eligibility criteria reads as under: -

“2) Certificate as manufacturer of liquid Chlorine as per IS specifications 646/1986 or certificate from manufacturer as authorized dealer.”.

9. In response to a pointed query put by the Court to the learned counsel for the petitioners whether the petitioners had furnished a certificate of manufacturer of liquid chlorine, learned counsel for the petitioners invited attention of this Court to the licence of refilling, which is at page 62 of the paper book in support of his submission.

10. We have carefully perused the aforesaid document. The said document is licence of refilling and not a certificate of manufacturer of liquid Chlorine. Thus, the petitioner has not annexed the certificate as manufacturer of liquid chlorine as per the eligibility criteria laid down in the notice inviting tender. Therefore, no fault with the action of the Municipal Corporation in rejecting the technical bid of the petitioners can be found.

11. In the result, the writ petition fails. It is hereby dismissed. Rule is discharged.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)