

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 61 OF 2024

IN

WRIT PETITION NO. 2589 OF 2024

Sharad R Bargaje

...Petitioner

Versus

State of Maharashtra & Ors

...Respondents

Mr SR Mishra, *for the Petitioner.*

Mr Priyal G Sarda, *for Respondent No. 5.*

Mr OA Chandurkar, Addl. GP, *with AA Nadkarni, AGP, for Respondents*
Nos. 1, 3 & 4-State.

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CORAM: DEVENDRA KUMAR UPADHYAYA, CJ &
ARIF S. DOCTOR, J

DATED: 13TH JANUARY 2025

PC:-

1. The captioned Review Petition seeks a review of the Order dated 8th April 2024 ("the Order") by which the captioned Writ Petition ("the Writ Petition") filed by the Review Petitioner ("Petitioner") came to be dismissed. The Petitioner had filed the said Writ Petition *inter alia* impugning the rejection of the Petitioner's bid submitted pursuant to

the tender notice dated 25th October 2023 and re-tender notice dated 14th December 2023 issued by Respondent-Corporation.

2. Mr. Mishra Learned Counsel appearing on behalf of the Petitioner invited our attention to paragraph 9 of the said Order and pointed out that the same had incorrectly recorded that the Petitioner sent an email on last day of submission of the bid, whereas it was infact the Respondent-Corporation who had sent the email dated 28th December 2023 reminding the Petitioner to submit the site inspection report. Basis this he submitted that the Petitioner never got an opportunity to submit the site inspection report, since the email itself was received by the Petitioner only at 1:09 pm on the 28th December 2023 which was the last day of submission of the bid. . It was thus, basis the above that he submitted that there was an error apparent on the face of record which required to be corrected in Review.

3. After having heard Mr. Mishra we are of the view that the Review Petition is devoid of merit. While the narration of facts in paragraph 9 of the Order would require a correction, the same has absolutely no bearing on the merits of the challenge and reason for dismissal of the said Writ Petition. We have dismissed the Writ Petition not because of the narration set out in paragraph 9, but since (a) the terms and conditions attached to the tender itself had a clause which required every bidder to submit a site inspection report along with the technical bid which the Petitioner admittedly did not (b) Order under Review specifically recorded that the Petitioner had failed to avail of the opportunity to carry out site inspection hence, the technical bid submitted by the Petitioner was absent any site inspection report and (c) nothing precluded the Petitioner from carrying out the site inspection

between the date of re-tender notice dated 14th December 2023 and 22nd December 2023.

4. For the reasons stated above we find that no case to review the said Order is made out. We however deem it appropriate to correct paragraph 9 of the said Order as follows, viz.

“9. It has been submitted by learned counsel for the respondents that every participant was given eight days’ time for site inspection from 14th December 2023, i.e., since the date of publication of re-tender notice, however, the petitioner did not avail of the said opportunity, despite the respondents having sent an email to the petitioner dated 20th December 2023.”

5. The Review Petition is thus dismissed.

(ARIF S. DOCTOR, J)

(CHIEF JUSTICE)