

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4314 OF 2025

M/s. Ketan Bodke

....*Petitioner*

: *Versus* :

Pune Municipal Corporation & Ors.

....*Respondents*

Mr. Abhijit Kulkarni, *with Mr. Prasad Bode & Mr. Chinmay Patil, for the Petitioner.*

Mr. Vishwanath Patil, *with Mr. Akshay Naidu, for the Respondent No. 1-PMC.*

CORAM : ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.

DATED : 23 July 2025.

ORDER : (*Per Sandeep V. Marne, J.*)

1) By this petition, the Petitioner has challenged the award of the Work to Respondent No. 2 in pursuance of the impugned tender process. According to the Petitioner, Respondent No. 2 is technically disqualified and therefore could not have been awarded the work.

2) Pune Municipal Corporation floated Tender No. 227/2024 on 21 January 2025 for construction of Office Disaster

Management Department in the Main Building of the Municipal Corporation. However, none of the bidders could satisfy the prescribed eligibility criteria and accordingly, re-tenders were called on 10 February 2025. In the re-tender process, seven contractors submitted their bids, out of which three contractors (Petitioner, Respondent Nos. 2 and 3) were adjudged qualified. Upon opening the financial bids, the bid of Respondent No. 2 was found to be the lowest, bid of Respondent No. 3 was found to be second-lowest, and the bid of Petitioner was found third-lowest. Accordingly, the work order has been issued to Respondent No. 2. Petitioner pleaded that Respondent No. 2 is technically disqualified and could not have been awarded the work. Hence, this petition.

3) We have heard Mr. Kulkarni, learned counsel appearing for the Petitioner. He would submit that Respondent Nos. 2 and 3 did not submit the requisite documents for fulfilling the prescribed eligibility conditions. He would invite our attention to the representation dated 28 February 2025, submitted by the Petitioner, pointing out the shortfall documents which Respondent Nos. 2 and 3 did not submit. That the Municipal Corporation has not decided the complaint dated 28 February 2025 and illegally proceeded to award the contract to Respondent No. 2. He would submit that the Petitioner would be satisfied if representation dated 28 February 2025 is directed to be decided.

4) *Per contra*, Mr. Patil, learned counsel appearing for Respondent No. 1-Municipal Corporation would oppose the petition submitting that Respondent Nos. 2 and 3 were adjudged qualified in the technical scrutiny conducted on 27 February 2025. That Petitioner

failed to raise any objection when technical bids of all the bidders were opened and that the present Petition is filed only after realizing that the bid of Respondent No. 2 is found to be lowest. He would submit that 90% of the work has already been completed. He would accordingly pray for dismissal of the petition.

5) We have considered the submissions canvassed by the learned counsel appearing for the parties and have perused the records of the case.

6) There is no dispute to the position that the Petitioner was found to be L3 after opening of the financial bids. The financial bids submitted by Petitioner and Respondent Nos. 2 and 3 are as under :-

Sl. No.	Bidder Name	Amount	Bid Rank
1	M/s Everest Construction Company (BID ID-6508057)	15557690.183	L1
2	S and J Buildcon Private Limited (BID ID-6508341)	16741245.510	L2
3	Ketan Ulhas Bodke (BID ID-6507515)	16871455.197	L3

7) Thus, the bid of Respondent No. 2 is found to be substantially lower at Rs.1,55,57,690/- as against the bid of Petitioner of Rs.1,68,71,455/-. Thus, the Petitioner has sought to raise certain discrepancies in the bid of Respondent No. 2. The Municipal Corporation has filed an affidavit submitting that all the requisite documents were submitted by Respondent No. 2. Petitioner has sought to highlight certain technical discrepancies, such as non submission of solvency certificate of preceding 1 year, mismatch in the bid capacity certificate as compared to statement of work in hand,

and non submission of BOQ for plywood. The tendering authority has not found any discrepancy or mismatch in the document submitted by Respondent No. 2. The tendering authority is the best judge to decide the eligibility of the bidders. In exercise of jurisdiction under Article 226 of the Constitution of India, this Court is not expected to act as an appellate authority over the decision of the tendering authority. As observed above, the bid of Respondent No. 2 is substantially lower than that of the Petitioner. By awarding the work to Respondent No. 2, the Municipal Corporation has saved expenditure on execution of the work. Petitioner thus disputes the position that 90% of the work has already been completed by Respondent No. 2. In that view of the matter, we are not inclined to interfere in the impugned tender process. The petition is accordingly **dismissed**.

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[SANDEEP V. MARNE, J.]

[CHIEF JUSTICE]