



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2469 OF 2025

Sai Agencies, Jalna, Thr. Its Director Kiran Balasaheb Jagtap, Ambad road, Jalna

-VS-

The State of Maharashtra, Thr. Secretary, Law and Judiciary Dept. Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri Avinash Khande, Advocate for petitioner.

Smt S. S. Jachak, Additional Government Pleader for respondent Nos.1 and 2.

Shri A. M. Kukday, Advocate for respondent No.3.

CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : May 06, 2025

P. C.

1. Heard Shri Avinash Khande, learned counsel appearing for the petitioner.

Challenge in the petition is to the communication/order dated 16/01/2024 issued by the respondent No.2- Desk Officer, Law and Judiciary Department whereby the respondent No.2 has issued directions to the Principal District and Sessions Judge, Yavatmal to cancel the tender process in question and to re-float the same adhering to the conditions incorporated in the Government Resolutions dated 27/01/2015, 23/02/2017 and 09/08/2017 issued by the Law and Judiciary department.

2. The contentions of the learned counsel for the petitioner are that the petitioner is an agency involved in the business of providing man power for housekeeping and cleaning.

The tender was floated by the respondent No.1 for providing manual and mechanized daily housekeeping and cleaning services for the establishment of the respondent No.3 i.e. The Principal District Judge, District and Sessions Court, Yavatmal. Pursuant to the E-tender

Committee meeting dated 24/10/2024 a financial bid evaluation report was prepared on 28/11/2024. The petitioner accordingly submitted his bid and it was the lowest. According to him once the petitioner was found to be the lowest bidder, the least that was expected of the respondents was to issue Work Order in favour of the petitioner. However, the respondent No.1-State Government has decided to cancel the tender process vide the impugned communication without furnishing any reason. It is claimed that if the petitioner is declared as L-1 and the same has led him to be the successful bidder, cancellation of tender postulates that he is entitled to know the specific reason for which the tender is cancelled.

Apart from above, his contentions are that the petitioner is willing to execute the entire work at the cost that is offered by him in the tender. Even after reassignment pursuant to the directions of the State Government issued in the aforesaid Government Resolutions, the cost of the work is enhanced to Rs.11 Crores. As such he has sought quashing of the order/communication impugned.

3. As against above, the learned Additional Government Pleader Smt Jachak appearing for respondent Nos.1 and 2 and Shri A. M. Kukday, learned counsel appearing for respondent No.3 supported the impugned order. According to them there was a technical flaw in tender processing and the tender was processed after following the guidelines which are reflected in Government Resolution dated 01/12/2016 issued by the Industries, Energy and Labour Department whereas the Law and Judiciary Department has its own set of instructions which are reflected in the Government Resolutions dated 27/01/2015, 03/02/2017 and 09/08/2017. It is claimed that the decision is taken after it was noticed that there are some flaws and defects in the tender notice and for reasons recorded in the impugned order, the same was cancelled.

Learned counsel for the respondents have even questioned the locus of the petitioner to question the decision of the respondents.

4. We have appreciated the submissions.

After the tender in question was processed, no doubt the petitioner was L-1 bidder. Just because the petitioner was L-1 bidder, the law does not contemplate that the work has to be allotted to the L-1 bidder. Apart from above, in absence of there being any concluded contract in favour of the petitioner, it is not open for the petitioner to claim that he has been posed with the right to question the tender in question particularly when there is no legal right vested in the petitioner by virtue of his status as L-1 bidder.

5. Unless there is a concluded contract in favour of the petitioner, and the right which in given set of circumstances is not vested in him, he cannot claim the right to know reasons for cancellation of the tender process. Perusal of the impugned order dated 16/01/2024 would reveal that in categorical terms it narrates the reasons for cancellation of the tender and it is not the case that just because the petitioner became L-1 that the tender is cancelled. Rather the respondent has decided to re-float the tender and accordingly the respondent No.1 has issued instructions in that regard after following the directions issued by the Law and Judiciary Department in the Government Resolutions dated 27/01/2015, 23/02/2017 and 09/08/2017. It is not the fact in dispute that the supervisory department for respondent No.3 is the Law and Judiciary department and its only after the approval of the State Government who is having supervisory control over the work which is to be executed under the contract, can finalize the tender.

6. In such an eventuality, it cannot be inferred that the respondents have taken any arbitrary or biased decision so as to single out the

petitioner from the tender process. Rather it is open from the petitioner to participate in the fresh tender process.

Keeping such right of the petitioner intact, we see no reason for interfere in extra ordinary writ jurisdiction.

The petition lacks merits, stands dismissed accordingly. No costs.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)