



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO. 3150 OF 2025**

M/s Jai Electricals Works, Paratwada, Thr. Prop. Ajay Vansantrao Deshmukh  
Vs

The Chief Officer, Municipal Council, Achalpur, Amravati and others.

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

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Mr. N.A. Gawande, Advocate for the petitioner/s  
Mr. N.S. Khandewale, Advocate for the respondent No.1.  
Ms A.S. Mishrikotkar, Advocate for Respondent No.3.

**CORAM : ANIL S. KILOR and RAJNISH R. VYAS, JJ.**  
**DATE : 11/11/2025**

1. The technical bid of the petitioner i.e. the E-tender quoted by the respondent No.1 for distribution of water for Achalpur Nagar Parishad, was rejected on the ground of non-submission of an experience certificate in relation to supply of water to two different Nagar Parishads (Municipal Councils).

2. It is the case of the petitioner that the condition in the tender form does not prescribe experience in supplying water to two different Municipal Councils. According to the petitioner, the tender condition merely refers to experience at two places and not necessarily two different Municipal Councils.

3. Learned counsel for the petitioner submits that, in view of the judgment of the Hon'ble Supreme Court of India in the case of *Kimberlay Club Pvt. Ltd. Vs Krishi Utpadan Mandi Parishad and others reported in 2025 SCC OnLine SC 2323*, the disqualification of the petitioner is bad in law.

4. On the other hand, learned counsel for the respondent No.1 – Mr. Khandewale, pointed out that on 22/05/2025, a clarification was issued to all the bidders who participated in the said tender process and thereby it was specifically made clear to all those bidders that experience certificate must be of two different Municipal Councils.

5. It is submitted that, after issuance of such clarification, all other bidders submitted the required certificate, except the petitioner. Learned counsel further submits that the judgment on which the petitioner is relying is distinguishable. In the present case, an opportunity was given to all bidders by way of a clarification dated 22/05/2025 to submit such experience certificates, whereas such opportunity was not given in the said judgment.

6. Having heard the respective parties and perused the complete record, we are of the opinion that, in view of the clarification dated 22/05/2025, respondent No. 1 has not changed the condition but merely clarified that the experience certificate, as mentioned in the tender form, shall not be of two places, but of two different Municipal Councils.

7. Thus equal opportunity to all the bidders was given, and on failure on the part of petitioner, the technical bid of the petitioner came to be rejected. Though, by way of amendment, the allegation of biasness is incorporated in the petition, the same is without any substance or supporting material. Moreover, considering the fact that out of four bidders, except the petitioner, all were held to be qualified. This shows that ground

of biasness raised by the petitioner by way of amendment is baseless and cannot be considered.

8. In the facts and circumstances of the case, we do not find any error committed by the respondent No.1 in rejecting the bid of the petitioner. The writ petition, therefore, deserves to be rejected. Accordingly, we proceed to pass the following order.

The writ petition is **dismissed** accordingly.

( RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)