



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

WRIT PETITION NO. 3997 OF 2024

M/s. Aditya Construction Company (J.V.), Nagpur

-Vs.-

State of Maharashtra and others

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

Mr.Abhinav Chandrachud, Adv. a/w MR.Pankaj Sutar, Mr.Yash
Pandya and Mr.Sanket Bhandarkar, Advs. for the petitioner.
Mr.D.V.Chauhan, GP for the respondents-State.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 26TH MARCH, 2025

The offer of the petitioner has been rejected by the communication dated 01/07/2024, whereby the bid of the petitioner has been rejected on three counts, firstly, that it made a false and misleading statement, regarding the work experience certificate, as the certificate which was originally submitted, indicated, that the petitioner had done the work of un-coarse masonry (Pg.1102, 579, 580 and 780), which upon a query being made by the respondent Nos.1 to 4, as the requirement was of having done work of coarse masonry were corrected and submitted afresh. It is contended. that since the correction was done by the Nagpur Municipal Corporation, for whom the petitioner has done the work, the question of making any misleading statement by the petitioner would not arise, as a result of which, Clause 4.7 (Pg.57) to the extent it related to

making a misleading or false representation would not be applicable.

2. The second ground is that of “record of poor past performance”, inasmuch as, it has been stated, that in two of the contracts undertaken by the petitioner, they have been terminated, alleging the petitioner to be at fault, however, it is contended, that appeals against are pending before the Appellate Authority in terms of the bid documents. That apart, it is contended, that the petitioner has multiple contracts and therefore, mere termination of two contracts for reasons, which are being contested, the petitioner cannot be bracketed within the expression “record of poor performance”. In order to demonstrate this, the learned counsel for the petitioner is in the process of filing an affidavit. Copy of the same be given to the respondents. Mr. Chauhan, learned GP for the respondents-State, seeks time to counter the same. Leave is granted to file a counter affidavit with an advance copy to other side.

3. The third ground is, that the part of experience claimed by the petitioner, to satisfy the eligibility criteria, has been rejected, as it was done by a sub-contractor.

4. List the matter on 08/04/2025 for final disposal, by which time, the learned counsel for the parties shall complete their pleadings.

(ABHAY J. MANTRI,J) (AVINASH G. GHAROTE, J)