



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

WRIT PETITION NO. 6049 OF 2024

(Mr. Lokesh Laxman Dongarwar

Vs.

Nagar Panchayat, Saoli, Thr. its Chief Officer, Tahsil Saoli, District
Chandrapur)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Madhur Deo, Advocate for the Petitioner.
Mr. M.I. Dhattrak, Advocate for the Respondent.

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

DATED : 25th MARCH, 2025

1. Heard Mr. Deo, learned Counsel for the Petitioner and Mr. Dhattrak, learned Counsel for the Respondent.
2. The Petition questions the communication dated 01.10.2024 (page 129) by virtue of which, Tender id:-2024-DMA-1050815-1 has been cancelled on account of technical and administrative difficulties.
3. Mr. Deo, learned Counsel for the Petitioner, contends that though in the said tender the Petitioner was declared as L-1, the cancellation, is *malafide* and arbitrary, with an intention to favour the unsuccessful candidates by floating a new tender in which there is a possibility of changing the eligibility criteria to the detriment of the Petitioner.

4. Mr. Dhatrak, learned Counsel for the Respondent, submits that the necessity for cancellation of the aforesaid tender by the impugned communication, arose on account of the discrepancies which have crept up in the tender, for which he invites our attention to page 20, in which the name of the work has been incorrectly mentioned as Construction of CC Road and Excavation of Nalla for Nagar Panchayat Saoli, Tah. Saoli, Dist. Chandrapur, which has occurred at number of places such as page 41 and 111. He further invites our attention to instructions for the tender work at page 47 regarding the estimated cost and security deposit, the figures according to him, have been incorrectly mentioned as Rs.74,35,925/- and Rs.1,48,719/- instead of Rs.83,14,123/- and Rs.1,66,282/- respectively. He further submits, that though the tender indicates, that it was for Construction of Balance Work for Ramabai Ambedkar Sabhagruha, however, the extent of balance work has not been defined in the NIT. He therefore submits, that on this count, the cancellation of the NIT was justified.

5. Insofar as the apprehension of the learned Counsel for the Petitioner regarding change of eligibility criteria is concerned, he submits, that the same is misfounded and specifically in light of the averment in the additional affidavit dated 24.03.2025 in para 6.

6. We have perused the terms of NIT and we find that the submissions made by the learned Counsel for the Respondent are well founded inasmuch as there are discrepancies not only in the estimated price of the work as

well as the security deposit, but also in respect of the nature of the work, which is not specified in the NIT with any clarity.

7. We, therefore, find that the decision to cancel the tender, is justified. Insofar as the apprehension by the Petitioner, regarding his cancellation for favouring someone, we find, that the Petitioner would also be eligible to participate in any tender floated afresh, more so in view of the fact, that the Respondent in para 6 of the additional affidavit dated 24.03.2025 have categorically stated, that since the value of the tender is below Rs.1 Crore, the Condition No.2.9 in the Government Resolution dated 27.09.2018, would not be applicable, and therefore, on account of which, the Petitioner would be eligible to participate, which statement is accepted as the statement to the Court. In that view of the matter, we are not inclined to interfere in the impugned decision of cancelling the tender.

8. The Petition is therefore **dismissed**. No costs.

9. Needless to mention, that in case a fresh tender is floated, the Petitioner shall be eligible to participate.

10. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)