IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 WRIT PETITION NO. 28 OF 2026

M/s Mantri Traders Through Proprietor
VERSUS
The State Of Maharashtra And Others

......

Mr. Mahesh V. Ghatge, Advocate for Petitioner
Mr. V.M. Kagne, AGP for Respondents-State

......

CORAM : SMT. VIBHA KANKANWADI AND HITEN S. VENEGAVKAR, JJ.

DATE : 05 JANUARY, 2026

PER COURT :-

1. The present petition has been filed challenging the communication dated 18.12.2025, thereby rejecting the bid of the petitioner.

2. The respondent No.2 had floated e-tender for catering/food supply arrangements for the year 2024-2025. The petitioner is a sole proprietor duly registered under the Goods and Services Tax Act, 2017 and also registered under MSME with the Ministry of Micro, Small and Medium Enterprises. The respondent-Collector has invited e-tenders for the supply of writing materials. The technical evaluation bid is rejected solely on the ground that GST return (GSTR-3B) for a particular period i.e. June 2025 was not uploaded along with bid. Learned advocate for

the petitioner relies on the manual for procurement of works issued by Government of India, Ministry of Finance, Department of Expenditure updated June 2022, wherein in respect of shortfall documents is concerned, it is prescribed that any document not enclosed by the bidder can be asked for, as in case of the traditional tender, by the Procuring Entity and submitted by the bidder online, provided it does not vitiate the tendering process. He submits that the committee could have asked for the said certificate from the petitioner and in fact on 26.12.2025, the petitioner had uploaded the said certificate. He also submits that in respect of a similar bid in Jalna District, when there was a shortfall in the document, an opportunity was given to one of the bidders to submit that document. He submits that the petitioner has already uploaded the said document and that the petitioner is ready to tender the said document physically.

3. Learned AGP, upon instructions, submits that the financial bid is also now open and the work order is likely to be issued.

4. The first and foremost fact that will have to be observed is that the tender process that was initiated was for the supply of food articles to the staff, which would be on election duty in the entire Latur District. A similar tender appears to have been floated in District Jalna as well; however, in Jalna, a photocopy of the communication dated 17.10.2025

has been submitted, which shows that the shortfall was directed to be rectified by granting appropriate time. The condition of the document that has been stated in that communication is also from the same list i.e. technical envelope. In such circumstances, respondents No.2 and 3 ought to have given an opportunity to the petitioner to submit such document. Now the petitioner states that he has already submitted that document.

5. In such circumstances, we dispose of the writ petition by directing respondents No.2 and 3 to consider the said document, which has been submitted by the petitioner on 26.12.2025, provided that it was with the petitioner during the period the documents were supposed to be uploaded and then take the decision on its own merits.

6. Parties to act upon the authenticated copy of this order.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane