



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

WRIT PETITION NO. 8132 of 2025

M/s. N.N.Pugalia through its authorized representative, Mr. Naresh N. Pugalia,
vs.

Nagpur Metropolitan region Department authority, through the Metropolitan
Commissioner, NMRDA, Nagpur, and others.

Mr. H. S. Chitale, Advocate for petitioner.

Mr. D. V. Chauhan, Senior Advocate a/b Mr. G. A. Kunte, Adv. for respondent nos. 1 to 4.

Mr. R. D. Bhuihar, Advocate for respondent no.5.

Mr. R. N. Ghuge, Advocate for respondent no.6.

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 20th JANUARY, 2026.

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Heard learned counsel appearing for the parties.

2. The rejection of the technical bid of the petitioner in the tender process floated by the respondent no.3 for construction of roads and bridges in various Mouzas in Kamptee Constituency, is under challenge in this petition. The reason for such rejection is that the petitioner has not submitted the Site Survey Report Certificate, in a requisite format i.e. The Site Survey Report Certificate submitted by the petitioner was signed by the Assistant Engineer (AE), Nagpur Metro Region Department Authority (NMRDA); whereas, it ought to have signed by the Executive Engineer (Development Works), NMRDA, as per the requirement of tender document.

3. The condition to visit the site and submit the certificate is provided in the tender document, which reads thus:

“Site Visit-As the work scope includes construction of roads, bridges, etc at various different locations. It is necessary to visit the proposed site by the prospective bidder to understand the site condition and nature of work before submission of the bid. The bidder shall submit his offer prior confirmation of site conditions. No claim on account of delay in regards to difficulties/hindrances at site during post construction stage will not be entertained. Hence the bidder has to mandatorily visit site to understand the nature of work and condition of site and submit site survey report as per

Annexure- II (A) issued by the Executive Engineer (Dev. works), NMRDA in the envelop – I (technical Bid). Tender shall be summarily rejected without the site visit certificate. No claims will later be processed for delay in work due to difficulty in access to site due to issues in approach.”

4. The petitioner is not disputing that the certificate submitted by it was not in the requisite format. However it is argued that the condition, reproduced hereinabove, is not a mandatory or necessary condition. It is submitted that the only purpose of the said condition is that the bidders should visit the site to understand the site condition and nature of work, therefore format is not a necessary condition.

5. Thus the controversy boiled down to the issue whether such condition is mandatory/necessary or not.

6. After going through the above referred condition, it is evident that the purpose of such site visit is that in future there should be no claim on account of delay in regards to difficulties/hindrances at site. The language of the said condition which says that “the bidder has to mandatorily visit site to understand the nature of work and condition of site and submit site survey report as per Annexure- II (A) issued by the Executive Engineer (Dev. works), NMRDA in the envelop – I (technical Bid)”, is sufficient to hold that the condition is necessary condition, which cannot be permitted to deviate.

7. Therefore, we do not find any error committed by the respondent no.2 in rejecting the technical bid of the petitioner.

8. Accordingly, the writ petition is dismissed. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Andurkar.