

**BEFORE THE PROCUREMENT REDRESSAL COMMITTEE
BRIHANMUMBAI MUNICIPAL CORPORATION**

CASE No. 013/PRC/2016.

M/s. Unimedss **Appellant.**

V/s.
Municipal Corporation of Greater Mumbai. **Respondent.**

QUORAM : 1. Hon'ble Mr. Justice F.I. Rebello (Retd) ... **Chairman**
2. Shri B.P.Patil ... **Member**
3. Dr. R. A. Bhalerao ... **Member**

ORDER

(Dated this 02nd Day of March, 2017)

The appeal by the Applicant is on the ground that the medical equipment, which was submitted in respect of the Bid No. 7100026259 - Supply of Electrohydraulic Operation Tables, has been wrongly rejected.

The Learned Counsel has taken us to the Tender Conditions and the Demonstration Report, which was prepared by the Panel of Three Doctors and Three Administration Officials and where a representative of the Applicant was also present. In respect of Item Serial No. (6) in the matter 'C' Arm Compatible, the Ld. Counsel pointed out that the table, which was offered by them is 'C' Arm Compatible and for that purpose has also taken us through the Brochure, which is at page 151 of the file paper.

On the other hand, on behalf of the Respondent it is pointed out, that the Applicant by letter dated 16th March 2015, had themselves pointed out that 'C' Arm was Compatabile to the extent of 80%. In our opinion, considering the admission on

the part of the Applicant, the decision by the Committee in so far as 'C' Arm compatibility is concerned, cannot be faulted.

In so far as, Vibration Test concerned, the Ld. Counsel for the Applicant pointed out that the machine meets with the BIS Certification and one of the requirement is that it should be meet the test of vibration. On the other hand, on behalf of the Respondent it is pointed out that demonstration was carried out on an uneven surface. We need not consider this aspect.

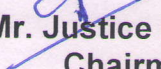
The third observation made by the Committee was that the Override manual control on the head-end of the base or column, is not available for Floor lock and unlock. It is submitted before us that there is no such provision in the Tender Condition. Respondent has pointed out to us Condition (7g), which requires Brake locking and unlocking. The observation of the Committee on that point therefore, cannot be faulted.

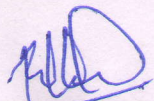
So far as the observation of the Committee that the Height could not be adjusted to 1075 mm., we find that was the requirement in terms of Clause (5)(3) for dimensions that admittedly was also not meet as during demonstration the height achieved was only 1010 mm.

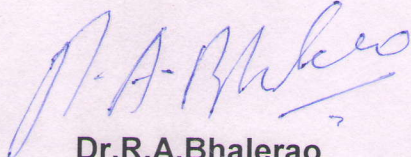
In so far as the Condition No. 6 is concerned, the requirement was in term of Clause No. (7)f, that also was not meet. It is not necessary to go into the conditions.

We are satisfied that the report of the Committee does not suffer from any illegality or arbitrariness. The product offered by the Applicant was Non-compatible.

The application is accordingly dismissed.


Hon'ble Mr. Justice F.I. Rebello (Retd)
Chairman,
Procurement Redressal Committee


Shri B.P. Patil
Member
Procurement Redressal Committee


Dr. R.A. Bhalerao
Member
Procurement Redressal Committee