

BEFORE THE PROCUREMENT REDRESSAL COMMITTEE

BRIHANMUMBAI MUNICIPAL CORPORATION

CASE No. 014/PRC/2016.

M/s. N.V.Kharote Constructions Pvt. Ltd. ... **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. Shri Shirish B. Uchagaonkar ... **Member**

ORDER

(Dated this 02nd Day of March, 2017)

1. The Applicant at the Pre-Bid Meeting had raised various queries. Some of the queries were allowed, others were rejected. This application has been filed on the basis that the criteria, which was fixed, is not in terms of Central Vigilance Commission (C.V.C.) norms and / or is so fixed so as to allow a limited number of bidders to participate. It is further submitted that if the process is allowed to go on, it is the only one company or the company associated with that company to whom the bid would be allotted.

2. At the initial stage, we had doubt as to whether this Committee could go into fixing of criteria. However, the Ld. Counsel appearing for the Applicant pointed out the rules framed and uploaded by the Corporation. On perusal of those rules, we are satisfied that the Committee can go into the issue.

3. In so far as C.V.C. norms are considered, it is pointed out that those are minimum standards and the Corporation can always improve on those standards, which it has done in this case.


4. We, thereafter with the assistance of the Ld. Counsel for the Appellant have gone through the various queries raised by them at the pre-bid meeting and the various contentions. We are also informed that the decisions taken based on the queries raised, at the Pre-Bid Meeting were ratified by the Municipal Commissioner.

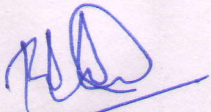
5. After hearing the Ld. Counsel for the Applicant on the challenges made we fail to understand how this Committee can sit in judgement over decisions taken by qualified persons to set the criteria, unless the conditions in the bid document, on the face of it are unreasonable and or arbitrary. In the instant case, we do not find any arbitrariness or unreasonableness in so far as the decision taken at the Pre-Bid Meeting.

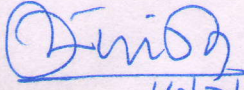
On behalf of the Applicant, the Ld. Counsel has also submitted that a Third Body be appointed to check the criteria fixed by the Respondent. We are unable to agree to this request, considering that a Third party cannot fix the criteria on behalf of the Respondent, which would be fully conversant with its needs.

6. We have considered the grievances raised on behalf of the Applicant that the entire exercise has been done to favour only one party (pipe fabrication factory) or party associated with that party. If after opening the bid and we are informed that there are 17 bidders, if there be only one successful bidder or bidders who are inter-

connected with the party who is successful, the Municipal Commissioner before awarding the contract, should look into this issue before the decision is taken of awarding the contract to examine whether a cartel was formed to get the contract. With the above observation, the application is rejected.


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


Shri B.P. Patil
Member
Procurement Redressal Committee


Shri Shirish B. Uchagaonkar
Member
Procurement Redressal Committee
14/3/17