

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8543 OF 2017

Jijau Mata Mahila Bahuudyogiya Audyogik
Sahakari Sanstha (Maryadit) ... Petitioner.

V/s.

State of Maharashtra and Anr ... Respondents.

Mr. Atul Damle, Senior Advocate i/b. Ms. Preteeti Thakar for
the Petitioner.

Mrs. R.M. Shinde, AGP for State.

Mr. G.V. Deore, Dy. Commissioner Integrated Child
Development Services, Mumbai is present.

**CORAM : ANOOP V. MOHTA AND
G.S. KULKARNI, JJ.**

DATE : 01 AUGUST, 2017

ORDER :

1. Heard Mr. Damle, learned senior counsel for the
petitioner and Mrs. R.M. Shinde, AGP for State. The challenge
as raised in this petition is to some of the conditions of offer as
incorporated in the "Request for the Proposal (RFP)" issued
under the Integrated Child Development Services Scheme.

2. The principal grievance of the petitioner is in regard to conditions 7 (e), (g), (h), (i) and (j) appearing at page no. 29 and 30 of the paper book which are under the head “Instructions to Proposals”. The submission of Mr Damle, learned senior counsel for the petitioner is that, the organizations like the petitioner would not be in a position to meet the requirement of their conditions and therefore, they would be kept away from the participation in the tender process.

3. On the other hand, the learned AGP submits that the conditions are incorporated as per the scheme as notified by the Government of India in pursuance of the directions of the Apex Court in the decision of *Shagun Mahila Udyogik Sahakari Sanstha Maryadit V/s. State of Maharashtra and Ors ((2011) 9 S.C.C. 340)*. The learned AGP submits that, the notified programme for inviting proposals has now been extended to 11th August, 2017, which would be the last date for the bids to be submitted and further the bids would now be opened on 14/08/2017.

4. Mr. Damle would respond to submit that, the petitioner intends to participate in the tender process in question. At the outset we would wonder as to how a petition challenging the terms and conditions of the tender would be maintainable. We however, do not wish to examine this issue as the petitioner intends to participate in the tender process. In any case, in our opinion the challenge as raised by the petitioner at this stage in the circumstances would be premature. In the event, the petitioner's bid is rejected, the petitioner always would have a cause of action to challenge such adverse decision in appropriate proceedings.

5. In the circumstances, we dispose of this petition keeping all the contentions of the parties open. No costs.

(G.S. KULKARNI J.)

(ANOOP V. MOHTA J.)