

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6392 OF 2019**

Maxlink Through Prop. Badal Sanjay Sethi	...Petitioner
<i>Versus</i>	
Union of India & Ors	...Respondents

Mr Anant Bobe, i/b Santaram Tarale, for the Petitioner.
Mr Rupesh Geete, i/b Parinam Law Associates, for the Respondents.

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ**
DATED: 7th June 2019

PC:-

1. Having heard the Petitioner's Advocate, we do not think that a tender condition can be modified to suit the needs of the Petitioner.

2. The Petitioner wants the public body to modify the terms and conditions of the tender and to allow bidders to tender the necessary amounts accompanying the bids by RTGS or NEFT instead of by a demand draft tendered physically at the counter. The Petitioner also wants to upload the documents by electronic mode and not in hard copy at the window.

3. This is not a case of a person alleging invidious or hostile discrimination against him by an instrumentality of the State. The complaint of the Petitioner is that some outsiders have allegedly caused it some inconvenience. We do not think that any such alleged inconvenience to one bidder warrants or calls for our interference with the bidding process or with the specified terms and conditions particularly when none others are complaining. The action of the public body in prescribing such a term cannot be interfered with unless it is found to be arbitrary and malafide and violative of the mandate of Article 14 of the Constitution of India. That except one, viz., the Petitioner, no other bidder finds the method inconvenient or unbusiness-like all the more disentitles the Petitioner from any relief in our writ jurisdiction.

4. The Petition is dismissed.

(G. S. PATEL, J)

(S. C. DHARMADHIKARI, J)