

Urmila Ingale

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

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WRIT PETITION NO. 5258 OF 2022

H.D.Firecon Techno Pvt. Ltd. .. Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

Mr. Tejesh Dande a/w Mr. Bharat Gadhvi and Mr. Vikrant
Khare i/b Tejesh Dande & Associates, for petitioner.
Mrs. P. J. Gavhane, AGP for State.
Mr. Sanjay Sawant a/w Mr. B. K. Barve, Mr. Sandeep Barve
i/b B.K. Barve & Co., for Respondent No. 6.

**CORAM : S. V. GANGAPURWALA &
M. S. KARNIK, JJ.**

DATE : AUGUST 4, 2022

P.C. :

1. We have heard learned counsel for the petitioner and the respondents.

2. Learned counsel for the petitioner submits that the tender conditions are unjust, unreasonable, arbitrary and are tailor-made to suit few contractors whom the principal wants to favour. For a work to be performed of Rs. 6 to 7 lakhs, the tender condition is that the bidder should have turnover of Rs. 1 crore. The said condition is arbitrary and it excludes the small contractors like the petitioner and favours the contractors like the respondents no. 6 and 7.

3. Learned counsel for respondent no. 6 submits that on 28/04/2022, the work order is issued in favour of the respondent no. 6. 60% work of the hospital is complete. The work is to be performed at Nagpur. This Court may not exercise territorial jurisdiction.

4. We asked learned counsel for the petitioner as to whether the petitioner has participated in the tender process. Learned counsel for the petitioner candidly accepted that the petitioner has participated in the tender process. Once having participated in the tender process, it will not be open for the bidder to assail terms and conditions of the tender. We could have considered the case of the petitioner, had the petitioner approached prior in point of time and before participating in the tender process.

5. In view of above, we are not inclined to entertain the petition. As such, we have not considered the objection of the respondents about territorial jurisdiction.

6. The writ petition is disposed of. No costs.

(M. S. KARNIK, J.)

(S. V. GANGAPURWALA, J.)