

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

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WRIT PETITION NO.13467 OF 2022

M/s.Global Enterprises	.. Petitioner
Versus	
The State of Maharashtra	.. Respondent

Mr.Karl Tamboli a/w Mr.Rushikesh Kekane i/by Mr.Aniesh Jadhav for the petitioner.

Mrs.Ashwini A. Purav, AGP for the respondent-State.

Mr.Manoj Kumar Shete, In-charge of Financial Advision & Deputy Secretary, Food Civil Supplies and Consumer Affairs Deptt.

**CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.**
DATE : 16th November 2022

P.C.:-

. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of certiorari for quashing and setting aside Clause No.3 of the Corrigendum dated 3rd November 2022 issued by the respondent to the extent that it removes the exemption granted to MSME registered entities from the payment of Earnest Money Deposit (EMD).

2. Writ petition is vehemently opposed by Mrs.Gurav, AGP for the State on the ground that the petitioner did not participate in the tender process. She submitted that in any event, last date for closing of bid was on 11th November 2022 and opening of bid was on 14th November 2022. The tender bid has already been opened. She submits that this Court thus shall not interfere with the tender process.

3. Learned counsel for the petitioner does not dispute that his client did not submit any bid in response to the notice issued by the respondents inviting bid. He submits that the petitioner could not have submitted a bid without enclosing proof of payment of EMD.

4. In our view, the petitioner did not participate in the tender process and in any event, the tender submitted by various bidders has already been opened. We are not inclined to interfere with the tender process.

5. Writ petition is accordingly dismissed. No order as to costs.

KAMAL KHATA, J.

R.D. DHANUKA, J.