

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION No. 780 OF 2022 .

Swastik Berojgaranchi Swayam
Nagri Sewa Sahakari Sanstha,
Amravati.

... **PETITIONER.**

VERSUS

1.State of Maharashtra
and another.

... **RESPONDENTS.**

Mr.A.M. Sudame, Advocate for the Petitioner.
Ms. K.S. Joshi, Incharge G.P. for Respondents.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATE : 28 FEBRUARY 2022.

P.C.

Heard the learned Counsel for the parties.

2. On 14 February 2022, we had passed the following order :

“Heard the learned Counsel for the

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Petitioner.

2. *The Petitioner has challenged a stipulation in the tender, more particularly Clause 2.6, which provides that the Bidder must have in hand experience for providing diet to at least 30 per cent of circle wise approximate number of patients in any one year. The contention of the Petitioner is that this criteria is tailor-made to suit those Bidders who were successful in the earlier tender contract and since the Petitioner is not able to match this criteria, the Petitioner will be left out of this bidding process.*

3. *The scope of interference in the tender process is limited. We have to note the purpose for which the tender is called. It is for providing diet to the patients in the public hospitals. The beneficiaries of this tender process are the patients. If the Respondents Authorities are of the opinion that more experienced persons should be entrusted with this work, we do not find that this stipulation is against the public interest and nothing is shown that such stipulation will not achieve the purpose for which the tender is issued. As far as the Petitioner is concerned, at the most it would be a case of loss of business.*

5. *Therefore, while we issue notice to the Respondents, returnable on 28 February 2022, we decline to grant any interim relief.*

6. *Learned Government Pleader Mrs. K. S. Joshi waives notice for the Respondents."*

3. The learned In-charge Government Pleader points out that the stipulation which was the subject matter of challenge i.e. experience of three years contained in Clause 2.6 (second part

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thereof), has been relaxed, and the criteria has been widened. As observed in the order dated 14 February 2022, the scope of interference is limited and it is already observed that the stipulation cannot be considered as against Public Interest. Further directions to dilute the criteria can not be issued.

4. Writ Petition is rejected.

(ANIL L. PANSARE, J)

(NITIN JAMDAR, J)

Rgd