

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3639 OF 2024**

Maha Informatics Pvt. Ltd.

... Petitioner

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. Jagdish G. Aradwad (Reddy) for Petitioner.

Mr. P. P. Kakade, GP, Mr. O. A. Chandurkar, Addl. GP, Ms. A. A. Nadkarni, AGP for Respondent-State.

Mr. Kiran Gandhi a/w Aakash Kothari i/by Little & Co. for Respondent No.2.

Mr. Nitin Gaware Patil a/w Mr. Divyesh Jain and Shubham Wadne for Respondent No.3.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATED : 22nd MARCH, 2024

P.C. :

1. The present Petition, *inter alia* seeks quashing and setting aside of (i) the letter dated 29th February, 2024, by which, Respondent No.2 i.e. Maharashtra State Board of

Secondary and Higher Secondary Education, Mumbai Division has rejected the Petitioner's bid for providing man power services to Respondent No.2 and (ii) the Letter of Intent dated 22-02-2024/28-02-2024 (Exhibit 'P' to the Petition), by which Respondent No.2 asked Respondent No.3 i.e. M/s. Frontier Ex-Servicemen Association, Latur to comply with certain conditions for issuance of work order in its favour.

2. Mr. Aradwad, learned counsel appearing on behalf of the Petitioner has based the challenge on two grounds (i) that the Letter of Intent dated 22-02-2024/28-02-2024 was issued to Respondent No.3 even before the Petitioner's financial bid was opened and (ii) Respondent No.3 has claimed eligibility on the basis of documents which did not pertain to Respondent No.3 but pertained to another entity i.e. Frontier Ex-Servicemen Association Security Force, Latur.

3. In support of his first contention, Mr. Aradwad invited our attention to the email dated 1st March, 2024 (Exhibit 'Q' to the Petition) and pointed out that the same records that the Petitioner's financial bid was opened at 5.13 p.m. on 29th

February, 2024, whereas, the impugned Letter of Intent was issued by Respondent No.2 to Respondent No.3 on 22-02-2024/28-02-2024, which is clearly before the Petitioner's financial bid was opened by Respondent No.2. He thus submitted that the award of the said Letter of Intent in favour of Respondent No.3 was clearly premeditated and thus liable to be set aside on this ground alone.

4. In support of his next contention, i.e. that Respondent No.3 had submitted the documents of another entity, he invited our attention to Exhibits R to V of the Petition which were the documents submitted by Respondent No.3 to Respondent No.2 and pointed out that the same were all in respect of one "*M/s. Frontier Ex-Servicemen Association Security Force, Latur*" whereas Respondent No.3 was "*M/s. Frontier Ex-Servicemen Association, Latur*". Basis this he submitted that Respondent No.3 having claimed eligibility on the basis of documents which pertained to another entity, ought to be disqualified on that ground alone.

5. Mr. Patil, learned counsel appearing on behalf of Respondent No.3 submitted that the contentions of the

Petitioner were baseless and entirely devoid of merit. In dealing with the Petitioner's first contention, he pointed out that though the Letter of Intent was dated 22-02-2024/28-02-2024, the same was issued and digitally signed and uploaded at 5.30 p.m. on 29th February, 2024 i.e. after the Petitioner's financial bid was opened. He invited our attention to the endorsement on the second page of the said letter from which the same was evident.

6. In dealing with the Petitioner's next contention he submitted that Respondent No.3 had not submitted the documents of any third party and/or entity. He then tendered a copy of GST Registration Certificate and pointed out therefrom that "*M/s. Frontier Ex-Servicemen Association Security Force, Latur*" was only the trade name of Respondent No.3 and not an independent entity as suggested by the Petitioner. He thus submitted that the Petitioner's contention of Respondent No.3 having submitted documents of another entity was plainly misconceived. Mr. Aradwad on a perusal of the said GST Registration Certificate fairly accepted the contention of Respondent No. 3.

7. Hence, in light of the above, we find the Petition devoid of merit and the same is accordingly dismissed.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)