



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

Writ Petition No.1416 of 2024

Leben Life Sciences, through Managing Director Haresh Nitilal Shah Versus The State of
Maharashtra and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Dr. (Mrs.) Renuka S. Sirpurkar, Counsel for Petitioner.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 28th FEBRUARY, 2024

1. The petitioner claims to be the micro and small scale Industry having got registration on 17-6-2016.
2. The contention of the learned counsel for the petitioner is, petitioner is a 'Startup' and as such is entitled for the benefit of the Central Government decision dated 10-3-2016 modified on 19-2-2019. It is further contention that the period of exemption from experience provided by the State Government in its Government Resolution dated 1-12-2016 should have been read as modified and, accordingly extended the benefit of exemption for a period of ten years to the petitioner. It is further contention that the respondent-State Government has adopted a practice of granting exemption for a period of ten years, as in the last year in one of the contracts in which the petitioner had participated, the same respondents have extended the benefit of exemption to the petitioner.
3. In the aforesaid background, it is claimed that the petitioner, in such an eventuality, ought not to have been disqualified.
4. Issue notice before admission to the respondents, returnable on 20-3-2024.
5. Shri S.M. Ukey, learned Additional Government Pleader, waives service of notice for the respondent Nos.1, 2 and 4.
6. It is clarified that the tender process to be carried out shall be subject to the result of the outcome of this petition.
7. It is further clarified that if the respondents are of the view that the Central Government decision dated 10-3-2016 modified on 19-2-2019 covers the case of the petitioner and benefit of exemption from experience is already given to the

petitioner in the last tender process, as has been claimed by the petitioner, it shall be open for the respondents to consider the tender of the petitioner.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

LANJEWAR