



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1195 OF 2025
WITH
CIVIL APPLICATION NO. 3512 OF 2025
IN
WRIT PETITION NO. 1195 OF 2025

KUNDAN BALKRUSHNA DESHMUKH
VERSUS
THE UNION OF INDIA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

- Mr. Girish S. Rane, Advocate for the Petitioner
- Mr. Bhushan Kulkarni, Advocate for Respondent No.1/UOI
- Mr. A. V. Lavte, AGP for Respondent No.2/State
- Ms. Anjali Dube, Advocate for Respondent Nos. 3 and 4

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CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 28.03.2025

PER COURT :

. We have heard learned advocate for the petitioner.

As the petition stands, he has been coming with following prayers.

- A) *The Hon'ble High Court may be pleased to issue appropriate, writ, order or direction in the nature of writ and thereby quash and set aside the entire selection process of HPCL COCO at Waluj held on 08.03.2024 pursuance to the advertisement published on website and necessary inquiry into the misdeeds may be directed therein.*
- B) *The Hon'ble High Court may be pleased to issue appropriate, writ, order or direction in the nature of writ and thereby restrain Respondents from giving effect to the selection of*

Respondent NO.5 as a service provider for HPCL COCO at Waluj in pursuance to the selection process held on 08.03.2024 and marks allotted therein.

- C) The Hon'ble High Court may be pleased to issue appropriate, writ, order or direction in the nature of writ and thereby quash and set aside the communication dated 23.09.2024 addressed to petitioner by Respondent No. 4.*
- D) Pending hearing and final disposal of this Writ Petition, the Hon'ble High Court may be pleased to restrain the Respondents from giving effect to the selection of Respondent NO. 5 as a service provider for HPCL COCO at Waluj in pursuance to the selection process held on 08.03.2024 and marks allotted therein.*
- E) Pending hearing and final disposal of this Writ Petition, the Hon'ble High Court may be pleased to stay the effect, operation, implementation and execution of the communication dated 23.09.2024 addressed to petitioner by the Respondent No. 4.*
- F) Pending hearing and final disposal of this Writ Petition, the Hon'ble High Court may be pleased to direct the Respondents to continue the petitioner as a service provider for HPCL COCO at Waluj until all the dues payable to the petitioner are paid.*
- G) Pass such other just and equitable relief in favour of the petitioners for which the petitioners are found fit.*

2. By way of the Civil Application, leave has been sought for carrying out amendment, including addition of one of the participants, who turned out to be a successful one, as a co-respondent.

3. After going through the petition with the prayer clauses, it is apparent that the petitioner has been simultaneously seeking extension of his contract and in spite of having participated in the fresh process, he has been seeking to quash it, attributing something to respondent No. 5 who has been one of the participants. The petition is vague and does not expressly make out any specific ground for objecting to the eligibility of respondent No. 6, sought to be added. It may be that the petitioner was oblivious of the fact that respondent sought to be added now who was a participant had ultimately turned out to be successful. Meaning thereby that even if the petitioner now intends to question eligibility of the respondent sought to be added, the existing pleadings are insufficient to attribute anything to him. Even if there are vague and omnibus allegations as to the manner in which the tender process was undertaken.

4. It is apparent that even the stance of the petitioner, as it stands today, the prayer clauses are incompatible. In one prayer he is seeking extension of the existing contract and simultaneously, in spite of participation in the fresh process, he is questioning its appropriateness and in the process questioning eligibility of respondent No. 5.

5. Though the petitioner has some grievance and can question eligibility and entitlement of respondent sought to be added, who is a successful bidder, it would be imperative that there will have to be fresh pleadings. The proposed amendment cannot relate back to the date of filing of the petition.

6. In the circumstances, the writ petition and the civil application are disposed of granting leave to the petitioner to file a fresh writ petition.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

jhs/