



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10071 OF 2025

Krishna Business Network Pvt. Ltd.

Versus

The State of Maharashtra and others

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Mr. Sanket S. Shinde, Advocate for the Petitioner,
Mr. S.P. Sonpawale, AGP for the Respondents State
Mr. S. S. Tope, Advocate for the Respondent- Municipal
Corporation

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CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.

DATE : 11th August, 2025

P. C. :

1. Heard learned counsel for the petitioner.
2. Since there is extreme urgency projected in the matter for the reason that the last date for submitting online proposals/bid on the portal of the Respondent-Municipal Corporation Chh. Sambhajinagar is today till 5.00 p.m., we have taken up the petition for consideration.
3. The respondent-State is represented by the learned AGP and Mr. Tope, learned counsel represents Respondent Nos. 3 and 4, who are functionaries of the respondent- Municipal Corporation.
4. The contention of the petitioner is that, being a unit covered under the Micro and Small Enterprises (MSEs), as per the provisions of the Micro, Small and Medium Enterprises Development Act, 2006 (MSMED Act), in terms of the policies applicable to MSEs, it is entitled

to certain privileges and certain concessions in such matters involving supply of goods and services.

5. The respondent Municipal Corporation, in the present case, has issued a request for proposal for including agencies in its panel for providing human resources. The notice dated 15.07.2025 states that proposal can be submitted online between 21.07.2025 and 11.08.2025, till 5.00 p.m. Four specific packages have been identified by the respondent-Municipal Corporation regarding outsourcing of such human resources.

6. According to the petitioner, it is entitled to certain concessions/exemptions in the context of earnest money or bid amount etc., and since the respondent- Municipal Corporation has not specified that it would be providing such facilities to the petitioner, it is unable to submit its online proposal within the given period of time.

7. Learned counsel for the petitioner relies upon the documents filed alongwith this petition, including the General Financial Rules, 2017 updated up to 31.07.2024, as also an order dated 23.03.2012 issued by the Ministry of Micro, Small and Medium Enterprises through the office of Development Commissioner (MSMEs). We have perused the aforesaid documents and we find that the policy manifested in these documents is specifically made applicable to Central Government Ministries and Departments, as also public sector undertakings. The petitioner is unable to place before us any aspect of the said policy

indicating that such a policy would mandatorily apply to the respondent- Municipal Corporation also.

8. In such a situation, we are unable to accept the contentions raised on behalf of the petitioner. There is substance in the contention raised on behalf of respondent- Municipal Corporation that in tender matters and commercial matters, the Writ Court should be extremely slow in interfering. Reliance placed on the judgment of the Supreme Court in case of **Afcons Infrastructure Ltd. Vs. Nagpur Metro Rail Corporation Ltd. and another, 2016 (16) SCC 818**, also appears to be justified as the respondent Municipal Corporation, being the author of the tender document is the best entity to understand and appreciate its requirements and to interpret such documents.

9. No case is made out for exercising writ jurisdiction in favour of the petitioner.

10. Accordingly, the writ petition is dismissed. Pending applications, if any, stand disposed of.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan