

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.18635 OF 2024

M/S. Vishal Enterprises Thr
Prop. Suresh D Patil

...Petitioner

Vs

The State Of Maharashtra Thr
Secretary, Public Health Dept.
And Ors.

...Respondents

Mr. Kalpesh Patil a/w. Mr. Viraj Nalawade for the Petitioner.
Mrs. Neha S. Bhide, Government Pleader, Mr. O A. Chandurkar, Addl. G.P.
and Mrs. G. R. Raghuwanshi, AGP for Respondent Nos.1 to 3 ,
Mr. Ravi P. Kadam for Respondent Nos.4 and 5.

**CORAM : ALOK ARADHE, CJ. AND
M. S. KARNIK, J.
DATE : 2nd APRIL 2025**

P. C. :

1. In this Writ Petition, the Petitioner has assailed the validity of the eligibility condition 2.14 in E-Tender issued by District Zilla Panchayat Satara. The Petitioner also seeks to quash and set aside order dated 28/10/2024 by which the Petitioner was disqualified. The Petitioner also seeks a direction to the Respondent to accept bids.

2. The facts giving rise to filing of the Petition is that a tender was issued by Respondent No.6 Dean, Chatrapati Pramila Raje General Hospital, Kolhapur of Medical Education and Products Department, Kolhapur. Clause 2.14 which is the eligibility condition prescribes that in case a judicial case is pending against the tenderer, he shall be disqualified to participate in the

tender. In view of the aforesaid stipulation, on 9/8/2024 the bid of the Petitioner was rejected and he was disqualified from participating in the tender. The Petitioner thereupon has filed this Writ Petition.

3. We have heard learned counsel for the parties at length.

4. Learned counsel for the Petitioner submitted that the Petitioner is not being allowed to participate in respect of other tenders also which have been issued by the Respondents.

5. On the other hand, learned counsel for the Respondent-State on instructions submits that the tender was issued for supply of disposable face masks and the work order was issued. It is further pointed out that the work order was issued to one M/s. Balaji Surgical Private Limited on 16/12/2024 and in pursuance to the aforesaid work order the masks have already been supplied and payment of the amount due to aforesaid M/s. Balaji Surgical Private Limited has already been paid. Therefore no effective relief can be granted to the Petitioner at this point of time.

6. We have considered the submission made by both sides. From perusal of the work order dated 16/12/2024, it is evident that the said work order was issued to M/s. Balaji Surgical Private Limited for supply of face masks in pursuance of the aforesaid work order, M/s. Balaji Surgical Private Limited has supplied the masks and payments has already been made to M/s. Balaji Surgical Private Limited on 27/1/20225.

7. In view of the aforesaid subsequent events which have taken place during the pendency of Writ Petition no effective relief at this point of time

can be granted to the petitioner. So far as the contention of the Petitioner that he is not being allowed to participate in the other tenders issued by the Authority, suffice it to say that Petitioner shall be at liberty to participate in the tenders subject to its eligibility. It is not in dispute that work order in respect of tender issued by Zilla Parishad has also been issued and supply in pursuance of the aforesaid order has already been made.

8. With the aforesaid directions, the Petition is disposed of. It is clarified that the issue with regard to validity of the stipulations contained in clause 2.14 is kept open to be agitated in appropriate proceedings.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)