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

**INTERIM APPLICATION NO. 10894 OF 2025
IN
WRIT PETITION NO. 10712 OF 2024
WITH
WRIT PETITION NO. 10712 OF 2024**

Mark Enterprises .. Applicant

In the matter between:

Mark Enterprises .. Petitioner

Versus

Deputy Director (Health Services)
and Anr. .. Respondents

Mr. Rishi Murarka for applicant/petitioner.

Ms. Neha S. Bhinde, Govt. Pleader a/w Mr. O. A. Chandurkar,
Addl. Govt. Pleader and Ms. Tanu N. Bhatia, AGP for
respondent nos.1 and 2.

Mr. A. M. Kulkarni with Shailesh D. Chavan and Sachin Pawar
for proposed respondent no.4.

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**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 12th AUGUST, 2025

P.C.:

- 1.** Interim Application No. 10894 of 2025 has been filed seeking restoration of the Interim Application No. 7118 of 2025 for amendment.
- 2.** Heard.
- 3.** The petitioner has filed the Writ Petition No. 10712 of 2024 in which the petitioner sought the relief of restraining

the respondents from proceeding with the tender issued by the Deputy Director (Health Services) for procurement of items, namely, Deep Freezer and Ice Lined Refrigerator till the court decides the validity of the specifications/conditions with respect to WHO PQS Code and Make in India preference in the tender.

4. The petitioner in response to the aforesaid notice inviting tender submitted the bid and thereafter filed this writ petition in which eligibility conditions contained in the tender have been assailed.

5. During the pendency of the instant writ petition, the contract has been executed by the proposed respondent no.4 in respect of supply of Ice Lined Refrigerator and Deep Freezer has been supplied by another entity.

6. On account of efflux of time and in the facts and circumstances, no case for interference with the impugned tender conditions is made out. However, the issue with regard to the validity of the impugned tender conditions is kept open to be agitated, if occasion so arises.

7. With the aforesaid liberty the interim application and the writ petition are disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)