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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17093 OF 2024

Greatwall Corporate Services Pvt. Ltd.

... Petitioner

V/s.

State of Maharashtra through its Secretary and Ors.

... Respondents

Ms. Kainat Rakhanghi i/b. Mr. Nikhil Kamble for the Petitioner

Mr. Kedar B. Dighe for Respondent No.2- MMRC

Mr. Chandrakant Chavan for Respondent No.5

Mr. O.A. Chandurkar, Addl.G.P. with Ms. G.R. Raghuwanshi, AGP for
Respondent Nos. 1 and 4

CORAM : ALOK ARADHE, CJ. AND
SANDEEP V. MARNE, J.

DATE : 12 JUNE 2025

Order (Per Chief Justice) :

1. Heard on the question of admission.
2. In this Writ Petition, the Petitioner, inter-alia, seeks quashment of notice inviting tender dated 12th March 2024, issued by the Maharashtra Metro Rail Corporation (hereinafter referred to as the **Corporation**) and Letter of Award dated 10 October 2024 issued by the Corporation in favour of Respondent No.5 viz. M/s. Rajdeep Enterprises.
3. Facts giving rise to filing of the Petition briefly stated are that the Corporation had issued a notice on 12 March 2024 for the work of house

keeping, cleaning services, ticketing (TOM/EFO Management) and security services for the 14 stations, Range Hill Depot and 16 Trainsets of Line-1 of Pune Metro Rail Project for a period of three years. The Petitioner submitted its bid. The bids submitted by the bidders were evaluated on 19 August 2024 by the Corporation. The financial bids of the bidders were opened on 20 August 2024 and thereafter, by an order dated 10 October 2024, the contract was awarded to Respondent No.5. The Petitioner, thereupon, has filed this Petition.

4. The learned Counsel for the Petitioner contended that the notice inviting tender has been issued in violation of Clause 4.9.1A(ii) of the Manual for Procurement of Work 2022. It is further submitted that the technical evaluations were declared 10 minutes before the opening of the financial bids. Therefore, an inference can be drawn that the results were antedated suggesting manipulation.

5. On the other hand, learned Counsel for Respondent No.5 has submitted that the Petitioner has previously filed two Writ Petitions viz. Writ Petition No. 14513 of 2024 and Writ Petition No.14592 of 2024 seeking the similar relief and has withdrawn the same. The learned Counsel for Respondent No.2 submitted that the Petitioner has already participated in the bid and therefore, the Petitioner cannot be permitted to now turn around and change the bid.

6. We have considered the submissions made on both the sides and have perused the record.

7. Admittedly, the Petitioner was aware about the terms and conditions contained in the notice inviting tender. However, the Petitioner did not raise any objection in the pre-bid meeting and participated in the tender. After it was awarded in favour of Respondent No.5, the Petitioner has filed this Writ Petition.

8. The Petitioner, after having participated in the tender cannot be permitted to turn around and challenge the tender conditions. Merely because the technical evaluation reports were disclosed ten minutes before the opening of the financial bids, no inference of an irregularity can be drawn. It only indicates the efforts made by the Authority to adhere to the time schedule indicated in the notice inviting tender. The tender conditions contained in the tender cannot be said to be arbitrary or irrational. The process of tender does not suffer from any infirmity warranting interference of this Court in exercise of extra-ordinary writ jurisdiction under Article 226 of the Constitution of India.

9. In the result, the Writ Petition fails and is hereby dismissed.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)