

Pdp

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

**WRIT PETITION NO. 6577 OF 2025**

Rudraharsh Innovations LLP

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Mr. Preet Chheda for petitioner.

Mr. O. A. Chandurkar, Addl. Govt. Pleader with Mr. S. P. Kamble, AGP for State.

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

**DATE: 18<sup>th</sup> JUNE, 2025**

Digitally signed  
by PRAVIN  
DASHARATH  
PANDIT  
Date:  
2025.06.18  
19:35:23  
+0530

**ORAL ORDER [Per Chief Justice]:**

- 1.** With the consent of the learned counsel for the parties, heard finally.
- 2.** The petitioner is a Limited Liability Partnership registered under the Micro, Small and Medium Enterprises Development Act, 2006 and engaged in the trading and manufacturing of sporting equipments.
- 3.** In this writ petition, the petitioner, *inter alia*, prayed for following reliefs: -
  - a. That this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus in relation to the E-Tender bearing Tender ID 2025\_DSYPSP\_1139068 dated 16<sup>th</sup> January, 2025 titled 'Request For Proposal From*

*Original Equipment Manufacturer/Distributor/Supplier/ Reseller/ Or Importer For Rate Contract Regarding Supply and Installation of Sports Goods In Maharashtra State' issued by Respondent No.2 and after considering the validity, legality and propriety thereof be pleased to quash and set aside the same;*

*b. That this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus in relation to the technical disqualification of the Petitioner's bid in the Impugned Tender and after considering the validity, legality and propriety thereof be pleased to quash and set aside the Petitioner's technical disqualification on 18<sup>th</sup> February, 2025;*

*c. That this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus in relation to the Letter of Intent dated 27<sup>th</sup> February 2025 and the Work Order dated 4<sup>th</sup> March, 2025 annexed at Exhibits Q and R and after considering the validity, legality and propriety thereof be pleased to quash and set aside the same.*

*d. That this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus directing the Respondents to accept the technical bid submitted in the Impugned Tender;*

*e. That in alternative to prayer clause (a) above, this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus ordering and directing the Respondents to issue a corrigendum / modification of the E-Tender bearing Tender ID 2025\_DSYP\_1139068 dated 16<sup>th</sup> January 2025 titled 'Request For Proposal From Original Equipment Manufacturer/Distributor/Supplier/Reseller/ Or Importer For Rate Contract Regarding Supply and Installation of Sports Goods In Maharashtra State' issued by Respondent No.2 thereby incorporating 50% relaxation / exemption for MSMEs and start-ups in the financial eligibility, turnover, past experience and previous completion of supply work order value criteria;"*

**4.** Facts giving rise to filing of this writ petition, briefly stated, are that the Directorate of Sports & Youth Services, School Education and Sports Department, Government of Maharashtra, floated a tender in the month of January, 2025 for supply of sport equipments in the State of Maharashtra. The value of the contract was Rs.80 Crores and the same was one-year rate contract.

**5.** The aforesaid tender did not incorporate 50% relaxation / exemption for MSMEs and start-ups in the financial eligibility, turnover, past experience and previous completion of supply work order value criteria. The petitioner, with its eyes wide open, participated in the tender and submitted the bid. The bid submitted by the petitioner was rejected on 18<sup>th</sup> February, 2025 on the ground that despite notice, the petitioner failed to furnish requisite documents. The petitioner thereupon has filed this petition seeking the reliefs stated supra.

**6.** Learned counsel for the petitioner submitted that the impugned tender issued by the Directorate of Sports & Youth Services, School Education and Sports Department, Government of Maharashtra (respondent no.2) is liable to be quashed as the same is in violation of Clause 3 of the MSME policy framed by the State Government in as much as the same does not provide for any relaxation / exemption for MSMEs and start-ups in the financial eligibility, turnover, past experience and previous completion of supply work order value criteria.

**7.** We have considered the submissions made by the learned counsel for the petitioner and have perused the record.

**8.** The tender was issued in the month of January, 2025. The aforesaid tender did not prescribe relaxation / exemption for MSMEs and start-ups in the financial eligibility, turnover, past experience and previous completion of supply work order value criteria. The petitioner, however, did not raise any objection and chose to participate in the tender. The petitioner, thus, took a chance and participated in the tender and has raised the objection that the tender is in violation of Clause 3 of the MSME policy framed by the State Government only after rejection of its technical bid. The conduct of the petitioner dis-entitles it to any relief in exercise of extraordinary discretionary jurisdiction under Article 226 of the Constitution of India. Even otherwise, no challenge has been made to action of respondents in rejecting the technical bid of the petitioner on the ground that the petitioner did not file the requisite documents. Therefore, even otherwise, the action of rejection of technical bid of the petitioner cannot be found fault with.

**9.** For the aforementioned reasons, we do not find any merit in the writ petition. The same fails and is hereby dismissed.

**(SANDEEP V. MARNE, J.)**

**(CHIEF JUSTICE)**