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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8804 OF 2025

M/s. Narayani Resources Private Ltd.

... Petitioner

V/s.

The State of Maharashtra
through the Secretary and Ors.

... Respondents

Mr. Vineet Naik, Senior Advocate with Ankit Signal i/b. Piyush Pande for the
Petitioner

Mr. B.V. Samant, Addl.G.P with Ms. V.R. Raje, AGP for Respondent No.1 –
State

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

DATE : 01 JULY 2025

PC. :

1. Heard on the question of admission.
2. In this Petition the Petitioner has assailed the validity of clause 5.1 of e-tender dated 13 June 2025 in so far as it stipulates that a bidder should have the experience of supply and handling of coal to the extent of 50% of the total tender quantity of 1.2 MMT (i.e. 0.60 MMT) under a single contract.
3. It is urged by the learned Senior Advocate for the Petitioner that the aforesaid condition is *per se* arbitrary and imposes unreasonable and dis-

proportionate restriction on the Petitioner's right to carry on the trade and business under Article 19(g) of the Constitution of India.

4. It is also pointed out that such a stipulation is not contained in the tender issued by the National Thermal Power Corporation (NTPC) and Damodar Valley Corporation (DVC) also.

5. Issue notice to Respondents Nos. 2 to 4, returnable in three weeks. Mr. Samant, learned Addl. Govt. Pleader waives notice on behalf of Respondent No.1.

6. Any action taken in pursuance of the impugned tender shall be subject to outcome of the Writ Petition.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)