

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1915 OF 2025

JAYANT
VISHWANATH
SALUNKE

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Mahendra Realtors and Infrastructure Private Limited	}	
	}	Petitioner
versus		
The Managing Director, Maharashtra Fisheries Development Corporation Limited & Anr.	}	
	}	
	}	Respondent

Mr. Vaibhav Sugdare i/b. Mr. Nikhil V.
Adkine for petitioner.

Mr. Rajiv Chavan, Senior Advocate with
Mr. Chaitanya B. Nikte, Mr. Ritvij Kale and
Mr. Prajit Shahane for respondent.

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

DATE: JUNE 24, 2025

ORDER: (Per: Chief Justice)

1. In this writ petition, the petitioner seeks to quash and set aside the tenders dated 26th July 2024, 6th August 2024 and 5th September 2024 issued by the Managing Director of Maharashtra Fisheries Development Corporation Limited (hereinafter referred to as "the Corporation").

2. Facts giving rise to filing of the petition, in nutshell, are that the tender notice dated 5th September 2024 has been issued by the Corporation for the work of strengthening of the existing quay wall in Old Sasoan Dock, Colaba, Mumbai for an estimated sum of Rs.13,08,20,609/-. The petitioner has assailed

the eligibility conditions in the aforesaid tender on the ground that the same are rigorous, stringent and have been framed with a view to favour one particular bidder.

3. Learned counsel for the petitioner has fairly submitted that the petitioner did not submit its bid in response to the aforesaid notices inviting tender. It is submitted that the stringent eligibility conditions have been prescribed in the notice inviting tender which excludes the petitioner and have been prescribed only with a view to favour one particular bidder.

4. On the other hand, learned senior counsel for the Corporation submits that in response to the aforesaid notice inviting tender, the Corporation has received three bids and the work order has already been issued.

5. We have considered the submissions made by learned counsel for the parties.

6. In the case of ***Shamnit Utsch India Private Limited vs. West Bengal Transport Infrastructure Development Corporation Limited***¹, the Supreme Court, while taking note of the law laid down in ***Assn. of Registration Plates vs. Union of India***², reiterated that the tendering authority has right to get the right and most competent person and in the matter of formulating conditions of tender document, unless the action of tendering authority is found to be malicious or is a misuse of statutory powers, the tender conditions are unassailable.

7. The scope of judicial review is extremely limited in the matter of formulating eligibility conditions. The contention of learned counsel for the petitioner that the eligibility criteria has

¹ (2010) 6 SCC 303

² (2005) 1 SCC 679

been prescribed to favour a particular bidder does not deserve acceptance as, admittedly, three bids were submitted. It is pertinent to note that the petitioner has not chosen to implead the bidder, which, according to the petitioner, was sought to be favoured by the Corporation. It is also pertinent to note that the work order has already been issued in favour of the successful bidder, which is not before us.

8. For the aforementioned reasons, we do not find any merit in the writ petition, which is, hereby dismissed.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)