



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2630 OF 2025

Cooldeck Industries Private Limited and others

.Vs.

The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr K. B. Borde, Advocate for the petitioners.

Ms Mayuri Deshmukh, AGP for respondent No. 1

Mr M. P. Khajanchi, Advocate for respondent Nos. 2 and 3

Mr V. S. Mishra, Advocate for respondent No. 4

CORAM : **ANIL S. KILOR AND**
RAJNISH R. VYAS, JJ.

DATED : **DECEMBER 11, 2025.**

The declaration of the petitioner-Cooldeck Industries Private Limited as ineligible in a tender called for Procurement of complete PVC Fills Modules of NDCT and its replacement work for NDCT U#10 at 3X660 MW KTPS Koradi on Open Tender Basis, is under challenge in this petition.

2. The petitioner was declared ineligible or disqualified after seeing that the deviations informed to the petitioner are not being removed. The deviations informed to the petitioner on 26.04.2025 were expected to be complied with by 28.04.2025. The deviations were as under :

- *Submit valid solvency certificate*
- *Submit Manufacturing proof of manufacturer for tendered item.*

- *Submit similar nature P.O. with its performance certificate as per QR for work PO*
- *Submit duly signed documentary evidence against special technical conditions*
- *Submit similar nature P.O. with its performance certificate as per QR for work PO.*

3. There is no dispute that these deviations were informed to the petitioner as per the qualifying terms mentioned in the tender document.

4. In answer to these deviations, a letter written by the petitioner dated 28.04.2025 shows that the petitioner questioned certain qualifying criteria as mentioned in the tender. The letter dated 28.04.2025 read thus:

“... We have received deviation is about special technical conditions Sr. No. 3 and 4. As per your conditions you have a requirement of curves/equations for SNCS PVC fills even you have accepted experience of C10-19/CD-19.

If you can accept the C10-19/CD-19 experience, then why are you asking for SNCS curve in special terms and condition 3 and 4 ?

As per this you should accept the curve/equation for CD10-19/CD-19 PVC fills also.”

5. This letter speaks volume about the admission of the petitioner as regards not fulfilling the qualifying criteria. Thus, we have no hesitation to hold that there is no illegality committed by the respondent Nos.2 and 3 to treat the petitioner as ineligible.

6. It is to be noted that this Court, vide order dated 09.05.2025, permitted the petitioner to submit the documents, accordingly, he submitted the documents. However, even after such opportunity the respondent Nos.2 and 3 found that the petitioner does not fulfil the criteria as prescribed in the tender document.

7. In the circumstances, since the petition lacks merit, the same is **dismissed**. No order as to costs.

[RAJNISH R. VYAS, J]

[ANIL S. KILOR, J.]

Namrata