



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO. 1557 OF 2024
IN
MISC. CIVIL APPLICATION (ST) NO. 23342 OF 2024
IN
WRIT PETITION NO. 5760 OF 2024 (D)

M/s. Vaidya Industries, Nagpur

Vs.

State of Maharashtra, Thru. Deputy Engineer, National Health Mission, Nagpur and
anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Pravin Chandra, Advocate a/w Mr. R.N. Borwankar,
Advocate for petitioner.
Mr. H.D. Marathe, AGP for respondent Nos.1 & 2.

**CORAM : NITIN W. SAMBRE AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 03.01.2025.

We have heard the learned counsel appearing for the applicant who is supporting the prayer for review of the order dated 16.10.2024, wherein the petition questioning the disqualification of the petitioner in a tender matter was upheld.

2. We are sensitive to the fact that post dismissal of the petition on 16.10.2024, petitioner unsuccessfully contested before the Apex Court

questioning the legality of the said order dated 16.10.2024 and the SLP was dismissed in limine.

3. Rightly so, the learned counsel for petitioner has claimed that in case if the SLP is dismissed in limine, the review petition is maintainable.

4. However, the review is sought on the ground that the last date for submission of tender as could be inferred from the tender document was 16.08.2024 and the petition that was initiated by the petitioner in the Jharkhand High Court was on 29.08.2024.

5. The petitioner has submitted his tender on 16.08.2024 and that being so, he had no occasion to provide the said information to the tendering authority.

6. Neither there were any pleadings nor any material was placed on record when the petition was heard viz. the petition in the Jarkhand High Court was initiated by the petitioner on 29.08.2024 i.e. after 16.08.2024, when the tender was submitted which led to passing of the order dated 16.10.2024 to the aforesaid effect.

7. The petitioner is seeking review on the aforesaid ground.

8. The counsel for the petitioner at this stage seeks time to prepare and address this Court as to whether the review jurisdiction can be exercised on the factual matrix which were neither pleaded nor argued.

9. Stand over to **21.01.2025**.

(Mrs. Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)