



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

WRIT PETITION NO.301/2025

(Om Agro Organics 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. R.N. Ghuge, Advocate for the petitioner.
Mr. D.V. Chauhan, Senior Advocate and Government Pleader with Mr. N.S. Rao,
Assistant Government Pleader for respondent No.1.
Mr. Prakash Shejal, Advocate for respondent Nos.2 and 3. (through Video
Conferencing)

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

DATED: 20.1.2025.

Heard.

2. The preliminary objection raised by the learned Advocate appearing for respondent Nos.2 and 3 Mr. Prakash Shejal is overruled in view of the law laid down in Nitin Industrial Associates, Khamgaon V/s. State of Maharashtra and others reported in **1986 Mh.L.J. 474** and Maharashtra Chess Association V/s. Union of India and others reported in **(2020) 13 SCC 285**.

3. It is demonstrated from the provisions of the Public Procurement Policy for Micro and Small Enterprises (MSES) Order, 2012 that clause 10 therein mandates for reduction in transaction cost for an agency registered under the Micro, Small and Medium Enterprises Development Act, 2006 and is facilitated by providing it tender free of cost and exempting it from payment of earnest money.

4. The learned Advocate for respondent Nos.2 and 3 fairly concedes that the Corporation is bound by the provisions of said Central Statute, however, he seeks time to take further instructions in the matter as regards whether the benefit of clause 10 could be

extended to the petitioner it being registered under the aforesaid Act of 2006. As such, as prayed by Mr. Shejal, we grant time of four weeks.

5. However, we deem it appropriate to stay the further tender proceedings in the backdrop of mandate referred under the above statutory provisions.

6. Stand over to 17.2.2025.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)