



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

WRIT PETITION NO. 4811 OF 2025

M/s. Food World Restaurant,
Through it's Proprietor
Mohammad Asim Ali, Aged
about 42 years, Occ. Business,
R/o. Near Power House,
Jindran Nagar,
Pandharkawada Road,
Yavatmal.

....PETITIONER

....VERSUS....

1. Maharashtra State Road
Transport Corporation
(MSRTC), Through its Chief
General Manager, Office
Address:- New Annexe
Building, Near Maratha
Mandir Cinema, Dr. Anand
Rao Nair Marg, Jahangir
Boman Marg, Mumbai
Central-400008

2. Divisional Controller,
Divisional Office,
Maharashtra State Road
Transport Corporation,
Yavatmal

3. Sau. Bhavana Gajanan Ingole,
Aged about 42 years, Occ.
Business, R/o. Ramrajya
Chowk, Veddarni shala
Road, Pipalgaon, Tehsil and
Dist. Yavatmal.

....RESPONDENTS

Shri S.O.Ahmed, Advocate for petitioner.
Shri A.S. Mehadia, Advocate for respondent nos. 1 and 2.
Shri P.K.Raulkar, Advocate for respondent no. 3.

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

DATE : **01/10/2025**

ORAL JUDGMENT (PER: ANIL S. KILOR, J.)

Heard learned counsel for respective parties.

2. The petitioner is the proprietorship firm and registered with the Ministry of Micro, Small & Medium Enterprises, Government of India.

3. In the present petition, while raising the challenge to the rejection of tender of the petitioner on the ground that earnest amount was not deposited by the petitioner along with bid, the petitioner is relying upon the Government Resolution (G.R.) dated 01/12/2016. The said GR was issued by the State of Maharashtra, Department of Industries, Energy & Labour granting exemption to the establishment registered under the Micro, Small & Medium Enterprises Development Act, 2006 (for short, "Act of 2006) from payment

of tender fees and earnest money deposit (EMD). Thus, according to the petitioner, since the petitioner firm is registered under the Act of 2006, there is an exemption as referred above. It is, therefore, argued that the rejection of tender of the petitioner is contrary to the G.R. dated 01/12/2016.

4. Shri Mehadia, learned counsel for the respondent nos. 1 and 2, on the other hand, is not disputing the exemption granted from payment of the tender fees and earnest money deposit (EMD) vide G.R. dated 01/12/2016. However, he states that the said G.R. is not applicable to the respondent no. 1 for the reasons that, the respondent no. 1 is not receiving any financial assistance from the Government. Whereas, the said GR is applicable to the corporations, establishment and other institutions of the Government receiving grants from the Government.

5. On a specific query put to the petitioner, whether there are pleadings made in the petition to the effect that the said GR is applicable to the respondent no. 1 or in view of

Clause (2) of the said GR, the respondent no. 1 is receiving financial aid from the Government, the learned counsel for the petitioner fairly states that there are no such averments made in the petition.

6. Though in the reply filed by the respondent no. 1, there is a specific averment that such G.R. is not applicable to the respondent no. 1 for the reason that the respondent no. 1 is not receiving any financial assistance from Government, there is no counter filed by the petitioner.

7. In the above referred backdrop, since the G.R. on which the petitioner is heavily relying upon while raising challenge to the rejection of his tender, is not applicable to the respondent no. 1, we do not find any merits in the present petition. Accordingly, the petition is **dismissed**.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)