



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

WRIT PETITION NO.1874 OF 2026

VAJRA MINING THROUGH ITS CONSTITUTED ATTORNEY MR. DEBASHIS
SINHA
VS.
WESTERN COALFIELDS LIMITED AND ANR.

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

Court's or Judge's orders

Ms (Dr.) R.S. Sirpurkar, Advocate for the petitioner/s
Mr. Akshay Naik, Sr. Advocate a/b Mr. N.G. Moharir, Advocate for the respondent
Nos.1 and 2

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 28.04.2026

1. Heard.

2. In the present petition, the petitioners have raised a challenge to the certain tender conditions floated by Western Coalfields Limited *inter alia* for the work of Handling, Transport and other Mining Services – Percentage quote based – OB Removal, Coal Extraction, HOE WORK at Dhoptala (Sasti UG to OC) Mine of Ballarpur Area WCL, on the ground that the clauses, which are under challenge, are tailor-made, illegal and arbitrary in nature and restrict participation of micro and small enterprises.

3. At the outset, Mr. Naik, learned Sr. Advocate appearing for the respondent Nos.1 and 2 has drawn attention of this Court to the clause (4) of the tender document, relating to “ONE BID PER BIDDER”, which

reads thus:

“4. ONE BID PER BIDDER

4.1. Each Bidder shall submit only one Bid, either individually, or as a proprietor, or as a partner in a partnership firm or as a partner in a Joint Venture/Consortium or as a Company registered under Companies Act. A Bidder who submits or participates in more than one Bid (other than as a sub-Contractor or in cases of alternatives that have been permitted or requested) will cause all the proposals with the Bidder's participation to be disqualified.

Earnest Money deposited by defaulting Bidders shall be forfeited and they shall be debarred from participating in future tenders in concerned Subsidiary/CIL HQ for a minimum period of 12 (twelve) months from the date of issue of such letter. In case of JV/Partnership firm/Consortium, the debarment shall also be applicable to all individual partners of JV/Partnership firm/Consortium and in case of Company then only Company shall be debarred.

***Note:** - However, debarment shall be done as per Guidelines on Debarment of firms from Bidding.”*

4. It is argued that since the petitioner No.2, who is the partner of petitioner No.1-firm, has participated in the tender process, clause 4.1 of the tender document will make the petitioners' partnership firm ineligible and disqualified to participate in the tender process.

5. It is, further submitted that, in view of the said restriction, the present petition is not maintainable, as one of the partners has already participated in the tender process. Thus, the petitioners cannot be permitted to challenge the tender conditions by way of the present petition.

6. The learned counsel for the petitioners fairly admits

that petitioner No.2 participated in the tender process; however, it is submitted that such participation was in the capacity of a company and not as a partner of petitioner No.1–firm. It is, therefore, contended that the said clause would not operate as bar for participation in the tender process, against petitioner No.2.

7. It is further argued that, on the date of filing of the present petition, no bid had been submitted by petitioner No.2, but the same was submitted subsequently. It is also submitted that, as the bid of petitioner No.2 has not been accepted, the challenge raised in the present petition may not be rejected merely on the ground that one the partners of partnership firm participated in it.

8. She, therefore, contends that the petition deserves to be heard on merits; otherwise, it would amount to permitting to continue the illegality.

9. As regards the request made by the learned counsel for the petitioners to hear the matter on merits, we have no difficulty in considering the challenge raised in the present petition. However, the exercise should not to be rendered merely academic.

10. The petitioner No.2 is admittedly a partner of petitioner No.1–firm and the petitioners have filed the present petition challenging certain tender conditions. Though petitioner No.2 participated in the tender as a company and not as a partner, the fact remains that he is a

partner of petitioner No.1–firm. Therefore, the petitioners cannot be treated as eligible to participate in the tender process, once the petitioner No.2 has participated.

11. In our view, this disqualification is not limited only to participation in the tender but it would also come in the way to maintain the present petition. A person who is not eligible to participate in the tender process cannot claim to be aggrieved and challenge the same.

12. In that view of the matter, if the issue involved in the petition is heard and decided, it will not more than an academic issue and it will be taxing on the time of this Court in a situation where many litigants are in queue for their turn. Therefore, we are of the opinion that this is not a fit case to go into the merits, as the petition itself is not maintainable.

Accordingly, the petition is **dismissed**.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)