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WP-30523-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 4th OF AUGUST, 2025

WRIT PETITION No. 30523 of 2025

SUPER ELECTRICALS AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Ashok Kumar Jain - Advocate for petitioners.

*Shri Abhijeet Awasthi - Deputy Advocate General for
respondents/State.*
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ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

Petitioners impugn that E-Auction Catalogue (Annexure P/5). Learned counsel for the petitioners submits that in earlier tenders, there was a requirement of deposit of the EMD valued at Rs.10 Crores, Rs. 5 Crores etc. In the present petition, the requirement is to show a net worth of Rs. 10 Crores.

2. Learned counsel submits that the tender is not clear as to whether the EMD to be deposited is of Rs.10 Crores or only net worth has to be shown by way of submission of documents of Rs.10 Crores.

3. The E-auction catalogue in paragraph No.4 reads as under :



"(c) Financial Criteria: - The Average Annual Turnover of the buyer during three (3) consecutive financial years (FYs) in last 4 FYs (i.e. FY 22 to FY 25) should be Rs. 12 Crore or above (including GST & other Taxes). In this respect, buyer is required to upload the respective Audited Balance Sheets and Profit & Loss accounts containing UDIN No. and Certificate indicating Average Annual Turnover, issued by a Practicing Chartered Accountant containing UDIN No.

(d) Buyer should have positive Net worth amounting to Rs. 10 Crore or above, during any one of the last two financial years (FYs) i.e. FY 24 or FY 25. The Certificate issued by practicing Chartered Accountant containing UDIN towards Net worth is to be uploaded and shall remain verifiable on UDIN portal of ICAI for a minimum period of 3 months. In case the Certificate/documents is/are found to be incorrect or misleading or not in conformity with the facts, legal action shall be initiated by MPPGCL against the buyer and the matter shall be reported to ICAI for appropriate, disciplinary or regulatory action as per their norms.

(e) Participating buyer (except PSUs/Government Organizations) is required to upload notarized Affidavit for NO BANNING/ BLACKLISTING/ DELISTING/ INSOLVENCY & BANKRUPTCY on non-judicial stamp paper of appropriate value (which is presently Rs. 100/-) as per annexed format (Annexure-5)."

4. The tender document clearly stipulates that the net worth of the buyer should be positive and of Rs. 10 Crores and above during any one of the two financial years i.e. financial year 2024 or financial year 2025. The certificate issued by a practicing Chartered Accountant towards net worth is to be uploaded and should be verifiable for a minimum period of three months. Further, it requires that pre bid EMD of Rs.75 lakh is to be submitted.

6. It is apparent that the petition filed by the petitioners is misplaced, since the petitioners are not required to make a pre deposit of Rs.10 Crores but as



to show a positive net worth of Rs.10 Crores and above in the relevant financial year and as to deposit only an earnest money pre bid EMD of Rs.75 Lakhs.

7. Accordingly, we find no merit in the petition. The petition, is accordingly, dismissed.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

m/-