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WP-47901-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,  
CHIEF JUSTICE

&amp;

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 17<sup>th</sup> OF DECEMBER, 2025

WRIT PETITION No. 47901 of 2025

*MAGNUM SUPER DISTRIBUTORS INDIA PVT. LTD*

*Versus*

*UNION OF INDIA AND OTHERS*

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Appearance:

*Shri Rohit Sharma - Advocate for the petitioner through VC.*

*Shri Suyash Mohan Guru - Deputy Solicitor General for the respondent*

*/Union of India.*

*Shri Anubhav Jain - Government Advocate for the respondent/State.*

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ORDER

*Per: Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice*

1. Petitioner impugns a corrigendum dated 17.10.2025 to a tender issued by respondent No.2. Petitioner further seeks quashing of entire tender process alleging that the process was neither fair nor transparent.

2. Respondent No.2 had invited tenders for operating the handicraft helpline centre.

3. As per the petitioner the tender conditions were altered after the initial tender was issued by a corrigendum notice dated 17.10.2025. The original date for submission of the bid was on 20.10.2025 which was amended by the corrigendum dated 17.10.2025 and the last date was extended to 25.10.2025. Subsequently, by notification dated 27.10.2025 the date was extended to 30.10.2025.



4. As per the petitioner, petitioner had originally submitted a bid on 25.10.2025. The tender was a two stage tender process, whereby both technical and financial bids had to be submitted. The Technical bids had to be evaluated prior to opening of the financial bids.

5. As per the petitioner, petitioner submitted the bid on 25.10.2025, however the petitioner withdrew its financial bid. As per the petitioner financial bid was withdrawn to maintain confidentiality of the financial terms.

6. Learned counsel for the petitioner submits that the respondent in order to oust bidders kept the time for tender submission as 9:00 AM on 30th October, 2025 contrary to the earlier practice wherein it was 9:00 PM on the date of submission. Learned counsel for the petitioner submits that petitioner did not submit the financial bid before the closer of bid submission time. Learned counsel for the petitioner submits that the tender conditions have been modified to suit some third party and time had been extended to favour some entity.

7. We note that petitioner had initially submitted a bid on 25.10.2025 however, the financial bid was withdrawn on the very same date i.e. on 25.10.2025, clearly there is no merit in the contention of the petitioner that the financial bid was withdrawn as the bid submission date was extended. Petitioner has withdrawn its bid on 25.10.2025 itself prior to the closure of the time for initial submission of the bid. Furthermore, we note that the corrigendum was issued was on 17.10.2025 and petitioner had participated in the tender by submitting its technical bid on 25.10.2025 knowing fully well the amended terms of the tender. It is well settled position of law that an entity who participates in a bidding process cannot be permitted to challenge the same after having participated in the same.

8. Furthermore, we note that the petitioner had withdrawn its financial bid



which implies that the petitioner has failed to participate in the subject tender. The contention that the time was changed to 9:00 AM to favour some entity is not also borne out from the record because the screenshot of the online portal, filed by the petitioner, shows that the screenshot was taken on 27.10.2025 at 4:48 PM and shows the end date as 30.10.2025:9 AM. As far back as on 27.10.2025 petitioner was aware that the bid submission time was 9:00 AM. Petitioner failed to submit the financial bid in support of the technical bid and clearly petitioner had failed to participate in the subject tender. Further, we note that technical evaluation sheet shows that only one entity submitted its bid after the extension was granted on 25.10.2025 and that entity is also not H1. Furthermore, the screenshot shows that the bid opening date and time was 30.10.2025 at 9:30 AM which clearly shows that the bid inviting authority had kept the bid submission time as 9:00 AM so that the bid could be opened at 9:30AM and further proceedings could take place.

9. Since the petitioner has failed to participate in the subject tender and had withdrawn its financial bid, we are not inclined to entertain any petition on behalf of the petitioner to challenge the subject tender particularly when the financial bids of the parties have already been opened. We find no merit in any of the contentions raised by the learned counsel for the petitioner.

10. Reliance placed by learned counsel for the petitioner on the judgment of Supreme Court in *Reliance Energy Ltd. Vs. Maharashtra State Road Devl. Corp. (2007) 8 SCC 1* is misplaced for the reason that the Supreme Court in the said judgment has laid down that there must be legal certainty in the terms and conditions of the tender and doctrine of 'level playing field' is an important doctrine which is embodied in Article 19 (1)(g) of the Constitution.

11. The concept of levying 'level playing field' as laid down by the Supreme



Court is to enable the participating bidders to participate in the tender on equal terms and an entity who is sitting on the outskirts of the playing field cannot challenge that there is no 'level playing field'. Petitioner clearly, by withdrawing its bid, chose not to participate in the tender and chose to simply watch the proceedings from outside.

12. Since the petitioner is not a participant in the tender and has decided 'not to play', the challenge on behalf of the petitioner is clearly not sustainable. We find no merit in the petition. The petition is accordingly *dismissed*.

(SANJEEV SACHDEVA)  
CHIEF JUSTICE

(VINAY SARAF)  
JUDGE

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