IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.480 OF 2026

Agravanshi Private Limited, A Private Company Having Its Registered Office At C-19, 3rd Floor, Meridien Tower, Above Canara Bank, Uditi Nagar, Rourkela, Odisha - 769012, Represented Through Its Authorised Representative
Mr. Avinash Morey. ... Petitioner

Versus

1. The State of Goa, Through Its Chief Secretary, Government of Goa, Goa, Secretariat, Alto Porvorim, Bardez, Goa-403521.

2. The Director, Directorate of Mines and Geology, Government of Goa, Ground Floor, Institute Menezes Braganza,Panaji,Goa-403001

3. MSTC Limited, A Government of India Enterprise, Having Office at Plot No.Cf-18/2, Street No.175 Action Area 1c, New Town, Kolkata-700156 And/or Through Its Western Region Office/Concerned Auction Cell.

4. Dharti Dredging And Infrastructure Limited, A Company incorporated under the Companies Act Having its Registered Office at: 4, Floor – 1, Plot-120, Vaswani Mansions, Dinshaw Wachha Road, Churchgate, Mumbai–400020

Correction carried out as per Order dated 29.06.2026.
Sd/-
P.A.

... Respondents.

Mr. Shivan Desai with **Ms. Riya Amonkar, Ms. Aishwarya Thorat, Mr. Vishwom Rivankar, Ms. Maria Costa Viegas, Ms. Nishta Malik, Ms. Sonali Kochar** and **Mr. Sonwal Tibrewal, Advocates for the Petitioner.**

Mr. Devidas J. Pangam, Advocate General with **Ms. Maria Simone J. Correia, Additional Government Advocate for Respondents No.1 and 2.**

Mr. Nikhil Vaze, Advocate (through V.C.) with Mr. A. S. Kunde, Advocate for Respondent No. 3.

Mr. S.S. Kantak, Senior Advocate and Mr. Tapesh Kumar Singh, Senior Advocate with **Mr. John A. Lobo, Ms. Neha Kholkar, Ms. Hetal Parmar, Mr. Mahesh Swami** and **Mr. Vedank Naik, Advocates for Respondent No.4**.

CORAM :VALMIKI MENEZES &
HITEN S. VENEGAVKAR, JJ.

Reserved on : 22nd June 2026

Pronounced on : 25th June 2026.

<u>**JUDGMENT:**</u> ***(Per. HITEN S. VENEGAVKAR, J.)***

1. Registry to waive office objections and register the matter.

2. Rule. Rule made returnable forthwith. By consent of the learned counsel appearing for all the parties and having regard to the nature of the controversy, the present petition is taken up for final hearing and disposal at the stage of admission itself.

3. The petition raises a challenge to the auction process relating to Cavorem-Maina Mineral Block No. XVIII in the State of Goa, (hereinafter referred to as “Said Block”) conducted through the MSTC E-Auction portal on 12th May 2026 pursuant to the tender document dated 28th January 2026. The principal grievance of the Petitioner rests on an alleged technical failure on the part of MSTC portal during the last phase of the bidding process, as a consequence whereof, according to it, the Petitioner could not submit its next improved Final Price Offer after Respondent No.4 had offered 88.88% and hence Respondent No. 4 was declared successful bidder of the abovementioned mineral block auction.

4. The Petitioner is a private limited company engaged in mining and allied activities. It is the case of the Petitioner that it was a qualified bidder in the second round of the ascending forward E-Auction for the said block. Petitioner submits that the tender document contemplated submission of Final Price Offers through the MSTC portal, with the floor price being the highest Initial Price Offer received from technically qualified bidders. During the second round, a qualified bidder could submit its Final Price Offer as many times as it wished, provided the offer exceeded the prevailing highest Final Price Offer by the minimum prescribed increment of 0.05%. The tender document further provided an eight-minute auto-extension mechanism, so that if a Final Price Offer was received during the last eight minutes before the scheduled close time, the close time would stand extended by eight minutes from the last received bid time.

5. The case of the Petitioner is that the floor price for the second round was 86.53%. The Petitioner asserts that there were only two active bidders in the E-Auction and that both bidders were successively outbidding each other by the prescribed tick size. According to the Petitioner, when Respondent No.4 increased its bid to 88.88%, the Petitioner was ready and willing to submit a further improved higher bid, but the MSTC portal froze, became non-responsive and timed out at the crucial stage. The Petitioner relies on its past conduct, stating that it had earlier secured two mineral blocks at substantial premiums of about 95% and 125%, and therefore submits that it had no commercial reason to stop bidding in between at 88.88% of auction process.

6. The Petitioner, in order to support his contentions, has relied upon screenshots and a screen recording. The Petitioner referring to the screenshots tries to demonstrate that the MSTC auction page was live at the actual computer time of 14:59 and 15:01; that at actual computer time 15:01 the browser displayed a "Page Unresponsive" message for the MSTC E-Auction page; that at actual computer time 15:02, while the Petitioner's computer clock had moved ahead, the MSTC portal "Current Time" remained at about 15:01:16; that the MSTC website then displayed the messages "This site can't be reached", "www.mstcecommerce.com took too long to respond" and "ERR_CONNECTION_TIMED_OUT"; and that repeated attempts at 15:03, 15:04 and 15:10 continued to display timeout errors. The Petitioner further states that Google/search pages were accessible at 15:07 and search results for "mineral block auction" loaded at 15:08, which according to the Petitioner establishes that the failure was specific to the MSTC portal and not attributable to the Petitioner's internet connection, browser or computer.

7. The Petitioner states that immediately the alleged problem was informed to Mr. Tanmoy Sarkar, the MSTC person in charge, on the mobile number which, according to the Petitioner, was provided to all the bidders for the auction process. The Petitioner also sent an email to MSTC and concerned authorities recording the alleged failure and later sent a detailed representation to the Director, Directorate of Mines and Geology, Government of Goa, with copy to MSTC and the Hon'ble Minister for Mines, requesting restart or resumption of the E-Auction from the last valid auction stage and requesting that no declaration of Preferred Bidder, Letter of Intent, mining lease or consequential step be taken till verification of the alleged portal failure.

8. On the basis of the above allegations, the Petitioner prayed for directions to Respondent Nos.1 to 3 to restart or resume the E-Auction bidding process for Cavorem-Maina Mineral Block No. XVIII from the point at which the bidding process allegedly halted due to MSTC portal or server failure. In the alternative, the Petitioner sought a fresh E-Auction amongst the same qualified bidders. The Petitioner also prayed for quashing and restraining the declaration of highest bidder or preferred bidder, issuance of Letter of Intent, communication of acceptance, mining lease and all consequential actions founded on the E-Auction process held on 12 May 2026. Ancillary reliefs were sought for preservation and disclosure of electronic records, logs and audit trails.

9. Ld. Advocate for the Petitioner submitted that this was not a case of a bidder attempting to improve its bid after the auction had validly concluded. He argued that the auction was interrupted at the very stage when the Petitioner was entitled under the tender conditions to place an improved offer. He urged that the eight-minute auto-extension clause was intended to secure equality of opportunity and price discovery. According to the Ld. Advocate, if one of the two active bidders is disabled from placing its next bid because of the E-Auction portal, the auction result cannot be treated as fair, competitive or conclusive.

10. Advocate for the Petitioner further submitted that the contemporaneous screenshots, the screen recording, the immediate call to the MSTC officer, the email and the representation constitute sufficient prima facie material to infer that the Petitioner was prevented from submitting his bid price due to the fault and technical glitch from the side of Respondent no 1 to 3. It was also urged that the Petitioner cannot be expected to produce MSTC's internal server logs, session logs, application logs, IP logs, router logs, bid-submission logs or audit trails, since those records are exclusively within the custody of MSTC and the State. It was submitted that in the absence of such Petitioner-specific and event-specific records, the Respondents cannot rely on general server availability or activity across the MSTC portal to defeat a specific grievance relating to the Petitioner's user session in this auction.

11. Ld. Advocate for the Petitioner submitted that the contention of Respondents that all other auctions were running normally does not answer the Petitioner's case. According to the Petitioner, each bidder operates through its own login, device, browser, network route and user session. Therefore, the fact that other bidders in other auctions, or even Respondent No.4 in the same auction, could submit bids does not conclusively establish that the Petitioner's session and bid-submission facility remained functional. It was submitted that the State, being the custodian of valuable mineral resources, ought to have verified the complaint by an independent technical audit instead of accepting MSTC's internal explanation.

12. Advocate for the Petitioner relied upon the compilation of judgments tendered at the time of hearing. Referring to the following judgements-

i) **M.P. Power Management Company Limited, Jabalpur v. Sky Power Southeast Solar India Private Limited**[1]**;**

ii) **Shinde Developers Private Limited v. Mormugao Port Authority**[2]**;**

iii) **JSW Cement Limited v. State of Rajasthan and others**[3],

iv) **Alakhnanda Stone Crusher v. State of Madhya Pradesh**[4]**;**

v) **Anandam Minerals Private Limited v. Union of India**[5]**;**

[1] (2023) 2 SCC 703
[2] 2023 SCC OnLine Bom 1267
[3] 2019 (1) RLW 612 (Rajasthan)
[4] Writ Petition No.23858 of 2023 dated 11.10.2023 of Madhya Pradesh High Court
[5] 2025 SCC OnLine Del 9149

vi) **Jindal Steel and Power Limited v. Union of India**[6]**;**

vii) **Mythri Infrastructure and Mining India Private Limited v. State of Odisha**[7]**;**

viii) **Maharashtra Housing and Area Development Authority v. Shapoorji Pallonji and Company Private Limited**[8];

The Learned Advocate submitted that even in the contractual and tender matters, it is a legitimate expectation from the State to act fairly, transparently and in a manner consistent with Article 14. The tender process, which suffers from procedural unfairness, should be interfered with, and this Court has ample powers to do so under Article 226 of the Constitution of India. He further submitted that the Writ Court cannot close its eyes when the litigant brings to its notice serious arbitrariness, unfairness and denial of a level playing field or failure of the decision-making process at the behest of the State Authorities when the public resources are being allocated by adopting a process which does not inspire any confidence. He thus prayed for allowing the Petition and, alternatively, to call for a report by appointing an independent agency after inquiring into the allegations of the Petitioner.

13. The Respondents have filed their independent responses by way of Affidavits in reply. The case of Respondent Nos.1 and 2, as set out in the affidavit of the Director of Mines and Geology, is that the

[6] 2023 SCC OnLine Del 4401
[7] 2021 SCC OnLine Ori 2436
[8] 2021 SCC OnLine Ori 2436

Petition is misconceived and that the Court's power of judicial review in matters concerning tenders, auctions and award of contracts is circumscribed. Respondent Nos.1 and 2 submit that judicial review is intended to prevent arbitrariness, favouritism, mala fides or violation of statutory mandate, and not to enable the Court to sit as an appellate authority over commercial or technical decisions. It is submitted that the Petitioner has not pleaded fraud, collusion, bias or mala fides against any officer of the State or MSTC, nor has it shown that the decision-making process is vitiated by perversity or irrationality.

14. Respondent Nos.1 and 2 further submit that the auction for the mineral block involved only two active bidders, the floor price was 86.53%, and the bid of 88.88% was placed by Respondent No.4 at 15:02:40hrs. It is thus the case of these Respondents that the bidding process concluded thereafter on expiry of the auto-extension period and that the automatic intimation declaring Respondent No.4 as preferred bidder was generated from the MSTC portal at about 15:16hrs on 12th May 2026. While dealing with the contention of Petitioner, they further state that the first email addressed by the Petitioner to MSTC regarding the alleged technical glitch was at 16:16:40, more than one hour after the auction had concluded, and the email received by Respondent No.2 was at 16:31:16.

15. Respondent Nos.1 and 2 submit that immediately upon receipt of the Petitioner's grievance, Respondent No.2 sought MSTC's input. MSTC informed Respondent No.2 that upon examination by its

Systems team, no issue was found at MSTC's end and that all auctions were running without any difficulty or hindrance across the portal. It is further stated that no complaints were received about server failure for auctions running at that time from any other participants; and that from the video shared by the Petitioner it appeared that even other websites were not opening at certain points on the computer of the Petitioner, thus indicating a possible problem at the bidder's end. Respondent Nos.1 and 2 further rely upon MSTC's communication that during 15:00 to 15:10hrs on 12th May 2026, 70 different auctions involving 168 auction items were being conducted on the MSTC portal, 194 bidders participated across the country, 1041 bids were placed, 152 users logged into the portal and performed activities, and there was no issue in the communication link.

16. Respondent Nos.1 and 2 also submit that the Petitioner has not produced any expert report or technical material to show that there was a glitch on MSTC's portal or server. According to the State, the Petitioner's inability to submit a revised bid cannot, by itself, be a reason to set aside the entire auction. Reliance is placed on clause 1.12 of the tender document, under which each bidder is responsible for problems at the bidder's end, such as failure of electricity, loss of internet connection or trouble with the bidder's computer which may cause inconvenience or prevent the bidder from participating in the E-Auction. It is submitted that the Petitioner participated in the auction with full knowledge of these conditions. The State submits that the Petitioner's grievance is essentially speculative, post-auction and unsupported by technical proof, and that sanctity and finality of the auction process cannot be disturbed merely because a losing bidder later states that it was willing to offer more.

17. The case of Respondent No.3, MSTC Limited, is that there was absolutely no technical glitch at MSTC's end. The MSTC states that on 12th May 2026 between 15:00 and 15:10hrs, several auctions were simultaneously live on its portal and large numbers of users were logging in, participating and placing bids. It submits that its server was up and live during the relevant period and that there were no communication link issues at any point of time. MSTC further relies upon its technical assessment that error messages such as ERR_CONNECTION_TIMED_OUT, DNS/ALPN errors, firewall/VPN interference, browser flag mismatch or outdated network stack are typically indicative of user-side or local network issues rather than server-side failure. MSTC, therefore, submits that the Petitioner's allegation of portal freezing or server failure at the end of MSTC is thus false and incorrect.

18. Advocate for Respondent No.3 submitted that MSTC was only the service provider and that the E-Auction platform did not fail. It was argued that had there been any system-wide or server-side failure, it would have reflected in a widespread failure of auctions and bidder activity, whereas the contemporaneous system data shows continuing activity and bid submissions. It was submitted that the Petitioner did not produce any certificate from its internet service provider, any router log, any system log, any browser diagnostic report, any expert analysis of the screen recording, any device health report, or any contemporaneous independent technical material to establish that its own system and network were functioning properly and that the fault was attributable to MSTC's server. It is thus urged that in absence of such material this Court in Writ jurisdiction cannot come to a full proof conclusion that the fault and failure was on the part of MSTC and thus warrants any interference of this Court.

19. The case of Respondent No.4, the successful/preferred bidder, is that it participated in the same ascending forward online electronic auction. Respondent No.4 states that the Notice Inviting Tender was issued on 28th January 2026 for granting a mining lease for Cavorem-Maina Mineral Block No. XVIII; that 11 bidders were technically qualified; that only the top five technically qualified bidders whose Initial Price Offers were higher than the reserve price were qualified for the second and final round of forward bidding; that the floor price for the final auction round was fixed at 86.53%; and that the participating qualified bidders were required to submit their Final Price Offers only through Respondent No.3's web portal till conclusion of the E-Auction.

20. Respondent No.4 states that it placed the winning bid of 88.88% and thereafter received the system-generated communication declaring it the preferred bidder. It submits that the Petitioner's allegation of MSTC portal failure is incorrect, that Respondent No.4 itself was able to participate and bid, and that the Petitioner cannot seek reopening of a completed auction merely on an allegation of inability to bid in the process. Advocate for Respondent No.4 submitted that finality and sanctity of public auction would be seriously undermined if every unsuccessful bidder were permitted to reopen the process on the ground that it would have offered more or raise mere allegations against the service provider about causing technical glitch in the E-Auction process. Respondent No.4 submits that it has altered its position pursuant to the auction result and that the writ petition is a subterfuge to obtain a second chance. Thus he prayed for dismissal of the petition.

21. In rejoinder to Respondent Nos.1 and 2, the Petitioner reiterated that the State has not answered the core grievance. The Petitioner submitted that the State's approach proceeds on an erroneous assumption that unless the entire MSTC platform failed for all bidders, there can be no failure at MSTC's end. According to the Petitioner, the relevant issue is whether the Petitioner's event-specific access, user session, auction page and bid-submission facility for Cavorem-Maina Mineral Block No. XVIII were functioning during the relevant bidding window. The Petitioner again asserted that the State had not produced Petitioner-specific session logs, event-error logs, IP logs, router logs, bid-submission logs, server-time records or a complete audit trail for the relevant period.

22. In rejoinder to MSTC, the Petitioner submitted that MSTC's internal report is neither independent nor conclusive. It was submitted that the report does not disclose who conducted the verification, the qualifications or technical expertise of such persons, the raw logs examined, the precise methodology adopted, or the manner in which the Petitioner-specific session and bidding path were traced. The Petitioner contended that general bandwidth graphs, activity reports and logs of other auctions do not answer whether its own session or transaction path remained functional. The Petitioner also submitted that clause 24 of the agreement required MSTC to ensure smooth bidding and to rectify interruption or service problems at the server end, and that whether such interruption occurred cannot be decided from general portal availability data.

23. In rejoinder to Respondent No.4, the Petitioner submitted that Respondent No.4 can at best speak to its own successful bid and cannot certify the functioning of the Petitioner's separate login, session, auction page or bid-submission process. The Petitioner denied that it had contacted an unrelated person and asserted that it had called the helpline number provided for the auction, namely the number of Mr. Tanmoy Sarkar, the MSTC officer handling bidder support. The Petitioner further submitted that Respondent No.4 acquired no vested right merely because the system generated a communication describing it as preferred bidder, and that public interest lay in fair competition and proper price discovery of a valuable mineral resource.

24. We have heard all the parties and having considered the pleadings, documents and submissions, the principal question before us is narrow. The Court is not required to decide whether the Petitioner was commercially willing to offer more, nor whether a fresh auction might theoretically yield a higher price. The issue is whether, in judicial review under Article 226 Of the Constitution of India, the Petitioner has discharged the initial burden of establishing a public law infirmity in the auction process which can be said to be sufficient to justify a writ direction to reopen, resume or cancel a concluded E-Auction process. Taking into consideration the facts of the present Petition and also documents placed on record by all the parties, the answer, in our view, is negative.

25. Before we proceed to consider the present Petition on its own merits, we find it necessary to discuss settled law governing judicial review in tender and auction matters. In **Tata Cellular v. Union of India**[9], the Supreme Court held that the Court does not sit as a Court of Appeal over administrative decisions in tender matters; the Court reviews the decision-making process and not the merits of the decision. That principle has not been diluted and it has been consistently applied and refined till date. In **Jagdish Mandal v. State of Orissa**[10], the Supreme Court cautioned that attempts by unsuccessful tenderers with imaginary grievances, wounded pride and business rivalry to make mountains out of molehills should be

[9] (1994) 6 SCC 651
[10] (2007) 14 SCC 517

resisted, and that interference is warranted only where the process is mala fide, suffers from favouritism, arbitrary, irrational or is contrary to public interest.

26. In the case **of Michigan Rubber (India) Limited v. State of Karnataka**[11], the Supreme Court again held that in matters of formulating tender conditions and awarding contracts, greater latitude is required to be conceded to the State and its instrumentalities. Yet another case in **Afcons Infrastructure Limited v. Nagpur Metro Rail Corporation Limited**[12], the Court held that the owner or employer of the project, having authored the tender documents, is the best person to understand and appreciate its requirements, and that constitutional Courts must exercise restraint unless the decision is mala fide, perverse or intended to favour someone. Similarly, even the case relied upon by the Petitioner itself in **Silppi Constructions Contractors v. Union of India**[13], the Supreme Court observed that even where some procedural aberration or error in assessment is made out, the Court should ordinarily not interfere unless the decision is arbitrary, mala fide, discriminatory or so irrational that no responsible authority acting reasonably could have arrived at.

27. In another case, namely, **Galaxy Transport Agencies, Contractors, Traders, Transporters and Suppliers v. New**

[11] (2012) 8 SCC 216
[12] (2016) 16 SCC 818
[13] (2020) 16 SCC 489

J.K. Roadways, Fleet Owners and Transport Contractors[14], the Supreme Court reiterated that the author of the tender document is the best judge of its requirements and that Courts should not second-guess the tendering authority's interpretation unless it is arbitrary, perverse or mala fide. In **N.G. Projects Limited v. Vinod Kumar Jain**[15], the Supreme Court strongly emphasised that Courts should not use the power of judicial review to derail infrastructure and public projects on matters involving technical evaluation, and that even when an error is found, public interest often requires restraint rather than interference. In **Tata Motors Limited v. Brihan Mumbai Electric Supply and Transport Undertaking (BEST)**[16], the Supreme Court set aside the High Court's interference with the tendering authority's acceptance of a bid, reiterating that if the decision is bona fide and in public interest, the Court should not substitute its view for that of the authority.

28. The present dispute concerns an E-Auction and thus in case of **Bharat Coking Coal Limited v. AMR Dev Prabha**[17], the Supreme Court dealt with an E-Auction where a technological/system failure at the service provider's end had led to pausing and resumption of the auction. The decision is important not because it mandates interference in every case of a technical complaint, but because it emphasises that the Court must

[14] (2021) 16 SCC 808
[15] (2022) 6 SCC 127
[16] 2023 SCC OnLine SC 671
[17] (2020) 16 SCC 759

examine the tender conditions, the technical material, the decision-making process, and the presence or absence of arbitrariness. It also recognises that bidders are ordinarily responsible for connectivity problems at their end and that portal/service-provider failure is a distinct factual category which must be established. The principle in this judgement does not assist a bidder who merely asserts inability to bid without proving that the failure was attributable to the auction platform.

29. In **Sushil Kamalnayan Bharuka and others v. State of Maharashtra and others**[18], the Supreme Court considered cancellation of an e-bidding process on the ground of alleged technical glitches. The Court referred to the absence of material showing that other bidders had complained of technical glitches, and relied upon **K. Kumara Gupta v. Sri Markendaya and Sri Omkareswara Swamy Temple**[19], to reiterate that unless material irregularity, illegality, fraud or collusion in holding the public auction is shown, it is not open to set aside an auction in favour of the highest bidder merely on a representation or speculative grievance. The Apex Court has cautioned that repeated interference in auction processes would frustrate the object and sanctity of public auctions. This principle has direct relevance to the present matter.

[18] 2026 SCC OnLine SC 259
[19] (2022) 5 SCC 710

30. Applying these principles, which have evolved and followed till recent times, we find that the Petitioner has failed to establish a public law ground for interference. The Petitioner's entire case rests on screenshots and a screen recording from its own computer. Those screenshots may show that the Petitioner's browser encountered a timeout or page unresponsive error. They do not, by themselves, establish that MSTC's server or portal had failed. Browser timeout, page unresponsive and connection timeout errors may be caused by multiple factors, including local device load, browser state, DNS resolution, firewall, VPN, router, internet service provider, local network instability, intermittent routing failure, or server-side non-response. A screenshot of the error is proof of the error displayed to the user; it is not proof of the technical cause of that error.

31. The Petitioner's reliance on Google or search results opening at 15:07 or 15:08hrs also does not carry the matter far enough. The fact that one website or search service opened does not technically prove that the Petitioner's connection to the MSTC domain, its DNS resolution path, its browser session, its security handshake, its authenticated auction session, and its bid-submission request path were all functioning correctly and that the fault lay with MSTC. A device may access one website and fail to access another for reasons unrelated to failure of the second website. In judicial review, the Court cannot convert such screenshots into a definitive finding of server-side failure and come to a prima facie opinion warranting judicial review of a finally concluded E-Auction Process and decision.

32. We also note that the Petitioner has not produced any independent expert report. It has not produced any certificate or contemporaneous record from its internet service provider. It has not produced router logs, network diagnostic logs, browser console logs, device health logs, DNS logs, firewall logs, latency reports, traceroute reports or any forensic report on the screen recording. We do not suggest that in every case a bidder must produce all such material. However, where the entire relief sought is to invalidate or reopen a concluded auction on the ground that the auction platform failed, the initial burden lies on the Petitioner to place before the Court credible technical material showing that the fault was not at its end and that the failure was attributable to the service provider or the auction portal.

33. The Petitioner submits that MSTC's internal logs are within MSTC's custody. That may be so. But the burden in a Writ Petition does not stand reversed merely because some records are with the Respondents. The Petitioner must first establish a credible foundation warranting a direction for deeper technical inquiry or production of logs. The material produced by the Petitioner establishes, at the highest, that the Petitioner experienced a technical difficulty while attempting to access or use the portal. It does not establish that the portal failed for the Petitioner due to a cause attributable to MSTC. It also does not establish that the Petitioner had successfully reached the stage of submitting the next bid and was prevented only by a server-side error. The contention of MSTC, pointing out the conduct of other users and auctions, may not be conclusive, but it is relevant. MSTC and the State have placed on record that during the very window of 15:00 to 15:10hrs on 12th May 2026, 70 auctions involving 168 auction items were running, 194 bidders participated, 1041 bids were placed and 152 users logged in and performed activities, without any communication link issue. To counter this, Petitioner has not produced any complaint by any other bidder participating in the present auction or any other auction during the same period on the MSTC portal about facing similar technical glitch. The petition itself does not plead that similarly placed bidders in the same auction suffered the same problem. It does not plead that Respondent No.4 was unable to bid. On the contrary, Respondent No.4's bid of 88.88% was received at 15:02:40hrs. The absence of any comparable complaint materially weakens the Petitioner's plea of MSTC portal/server failure.

34. In an E-Auction challenge founded on technical glitch, the initial burden is heavier where the alleged glitch is personal to one bidder and where the portal was otherwise functioning for a large number of users. The Court cannot proceed on a presumption that a bidder who fails to submit a further bid was necessarily prevented by the auction platform. A bidder's commercial willingness, past bidding history or statement that it would have offered more is not a substitute for proof of a public law wrong. If such a standard is accepted, every completed auction would remain vulnerable to reopening at the instance of a bidder who later asserts that it was ready to bid higher but was obstructed by some technical difficulty.

35. We may also refer to Clause 1.12 of the tender document which is provided by Respondent No.1 under the head – Important Information, which reads as under-

> *1.12. Each bidder shall be responsible for any problem at the bidder's end like failure of electricity, loss of internet connection, any trouble with bidders computer, etc. which may cause inconvenience or prevent the bidder from bidding in E-Auction.*

This clause is of material importance in the present case. It places responsibility on the bidder for problems at the bidder's end such as failure of electricity, loss of internet connection or trouble with the bidder's computer which may cause inconvenience or prevent participation in E-Auction. The clause reflects the practical reality of internet-based auctions. The tendering authority and the service provider cannot insure every bidder against every device, browser, local network, ISP, firewall, DNS or connectivity issue. The Petitioner accepted the tender conditions with full knowledge of this allocation of risk. Unless it establishes on the basis of cogent material and evidence that the difficulty was not at its end but was attributable to MSTC's portal or server, the Petitioner cannot shift the burden to the State and seek annulment of the auction process.

36. Lastly, the Petitioner urged that the State should have ordered an independent technical audit. In an appropriate case, where multiple bidders complain contemporaneously, where server-side logs prima facie show failure, where the authority itself pauses the auction for service-provider failure, where there is evidence of widespread outage, or where the decision-making process suppresses material records, such a direction may be warranted. This is not such a case. Here, the Petitioner's complaint was communicated by email only after the auction had concluded. The portal generated the result. The service provider responded to the State by asserting that its systems were functioning and by giving portal-wide contemporaneous data. It has also been sufficiently placed on record by the Respondent Authorities that no other bidder who had participated in the auction process at the similar time on MSTC portal had raised any complaint about facing technical glitch in submitting their bids in the respective auctions. Once we hold that the Petitioners have completely failed to discharge their own burden, then there is no necessity of issuing any directions to any other expert agency to conduct inquiry into the functioning of MSTC portal only on the basis of mere allegation of the Petitioner.

37. It is a matter of record and admittedly so, there is no pleading of fraud, collusion, bias or manipulation at the behest of the Petitioner. The Court cannot order a roving technical inquiry into a concluded auction merely because one unsuccessful bidder claims that it could not place its further bid. Moreover, the Petitioner's reliance on the eight-minute auto-extension clause is misconceived. The clause gives bidders an opportunity to place improved bids within the extended period when valid bids are received. It does not guarantee that each bidder's own device, internet connection, browser, local system and authenticated session will remain free from all disruptions. Nor does it provide that any bidder's post-auction assertion of inability to bid will automatically reopen the auction. The auto-extension mechanism operates on valid receipt of bids by the system. It cannot be converted into an independent right to demand resumption in the absence of proof that the auction platform failed.

38. The Petitioner's further plea of public interest is also unacceptable on the facts. Public interest in auction matters has multiple facets. Maximization of revenue is relevant, but so are certainty, finality, sanctity of auctions, equal treatment of all bidders, timely development of mineral resources and avoidance of speculative post-auction litigation. A mere assertion by an unsuccessful bidder that it was willing to offer more does not, without proof of illegality, become public interest. If auctions are reopened merely because a bidder later says that it could have improved the price, the discipline of competitive bidding will collapse. Serious bidders will be exposed to endless uncertainty and public authorities will be prevented from concluding transactions involving public resources. We are conscious that valuable mineral resources are involved. Precisely for that reason, the auction process must remain transparent, rule-bound and predictable. Transparency is not served by reopening a concluded auction on an unproved technical allegation. Equality is not served by giving one bidder another opportunity after the bidding history and the competing bid are known. Price discovery is not served by converting a concluded E-Auction into a negotiated or court-supervised second chance. The Petitioner seeks resumption from the last valid stage or a fresh auction amongst the same qualified bidders. Either relief would place Respondent No.4 in a materially altered position after its bid is known and would dilute the sanctity of the process.

39. The Petitioner's argument based on non-production of Petitioner-specific logs does not persuade us either. The Petitioner did pray for preservation and production of logs. However, in final adjudication, the Court must decide whether the existing material justifies interference. MSTC has stated that its systems were up and live; Respondent Nos.1 and 2 have relied on MSTC's response; Respondent No.4 successfully submitted its bid. There is no material to infer suppression, fabrication or mala fides. The Petitioner's screenshots do not dislodge the Respondents' explanation. At best, they show the Petitioner's user-side difficulty. The Court cannot draw an adverse inference merely because the Petitioner desires a more granular technical audit of MSTC's systems.

40. Thus, we find substance in the Respondents' submission that the petition is beyond the permissible scope of judicial review. The Petitioner invites this Court to determine the technical cause of a browser error and to substitute that assessment for the auction authority's acceptance of the auction result. Such adjudication would require forensic examination of devices, network routes, logs, servers, browser states, DNS resolution, SSL/TLS handshakes and authenticated session data. Writ jurisdiction is not designed to conduct such disputed technical fact-finding, particularly when the Petitioner has not laid a sufficient technical foundation and when no mala fides, fraud or bias is pleaded. The absence of pleadings alleging fraud, collusion, malpractice or bias is not a mere technical defect. It goes to the heart of public law review. The Petitioner does not say that Respondent No.4 was favoured. It does not say that MSTC manipulated the auction. It does not say that any officer of the State acted with an oblique motive. It does not allege that the portal was deliberately frozen for the Petitioner. The petition is therefore reduced to a private grievance of inability to place one more bid. That private commercial grievance, without proof of a systemic or authority-side failure, cannot be elevated into a constitutional cause of action.

41. The authorities cited by the Petitioner do not compel a different conclusion. **M.P. Power Management Company Limited v. Sky Power Southeast Solar India Private Limited** (supra) reiterates that the State and its instrumentalities must act fairly and reasonably, but it does not dilute the narrow scope of judicial review in tender matters or authorise the Court to reopen concluded auctions on unproved technical allegations. **Maharashtra Housing and Area Development Authority v. Shapoorji Pallonji and Company Private Limited** (supra) dealt with the duty of public authorities to act fairly in contractual matters; it does not hold that every disappointed bidder alleging technical difficulty is entitled to resumption of an auction. The High Court decisions relied upon by the Petitioner turn on their own facts and the evidentiary material placed before those Courts.

None of them lays down a proposition contrary to the binding principles of the Supreme Court in Judgements referred Supra while discussing the scope of judicial review.

42. **Shinde Developers Private Limited v. Mormugao Port Authority, JSW Cement Limited v. State of Rajasthan, Alakhnanda Stone Crusher v. State of Madhya Pradesh, Anandam Minerals Private Limited v. Union of India, Jindal Steel and Power Limited v. Union of India** and **Mythri Infrastructure and Mining India Private Limited v. State of Odisha** (supra), are distinguishable. They cannot be read as a charter for reopening every E-Auction whenever a bidder produces screenshots of an error on its own computer. The decisive question in every case remains whether the process is shown to be arbitrary, mala fide, discriminatory, fraudulent, irrational or contrary to the governing tender conditions. That standard is not met in the present petition.

43. It is also necessary to refer to a judgment authored by one of us, (Hiten S. Venegavkar, J.), while sitting in a Division Bench at the Aurangabad Bench of this Court in Writ Petition No.10265 of 2024, decided on 1st October 2025. In that matter also, the challenge to an E-Auction process was founded on an alleged technical glitch. After considering the settled Supreme Court law on judicial review in tender/E-Auction matters, the Division Bench held that unless the Petitioner establishes a credible public law infirmity, systemic failure or authority-side technical fault, the Court would not interfere merely because a bidder claims that it was prevented from bidding due to a technical difficulty. The principle applied there is consistent with the binding Supreme Court jurisprudence and fortifies the view that the present petition cannot succeed on unproved and Petitioner-specific allegations of technical difficulty.

44. We clarify that we are not laying down an absolute rule that a Court can never interfere in an E-Auction on the ground of technical failure. Where the record demonstrates a service-provider-side failure, manipulation, denial of equal opportunity, arbitrary resumption, suppression of logs, mala fide conduct, or multiple contemporaneous complaints from similarly situated bidders, the writ Court may intervene to protect fairness and public interest. But the jurisdiction is exceptional. It is not triggered by a unilateral assertion of inability to bid, unsupported by independent technical material and contradicted by contemporaneous portal-wide activity.

45. In the present case, the Petitioner has failed to discharge the initial burden resting upon it to establish, even prima facie, that the alleged disruption emanated from the MSTC platform itself and not from circumstances attributable to its own technological infrastructure. There is a complete absence of evidence indicating that any other bidder participating in the auction suffered an identical impediment. There is equally no material suggesting that Respondent no.4 was accorded any preferential treatment or that its bid was accepted otherwise than in accordance with the prescribed procedure. In the absence of any pleadings or proof of fraud, mala fides, bias, collusion, favouritism or procedural impropriety, and in the absence of any demonstrable infraction of the tender conditions, the State's decision to act upon the auction outcome cannot be characterised as arbitrary, irrational or perverse. The Petitioner has, therefore, failed to make out a case falling within the narrow and well-settled parameters of judicial review governing contractual and E-Auction matters.

46. Thus, the petition, if allowed, would unsettle the finality of the auction on a speculative basis. It would also create an undesirable precedent in internet-based public auctions, where after seeing the competing bid and the auction result, an unsuccessful bidder could seek a restart by relying on user-side screenshots of browser errors. Such an approach would impair public confidence in E-Auctions and discourage serious participation. Public interest demands that genuine systemic failures be corrected, but it equally demands that concluded auctions not be lightly reopened.

47. For the above reasons, the writ petition is devoid of merit. The interim protection granted earlier stands vacated. Respondent Nos.1 to 3 are at liberty to proceed further in accordance with law and on the tender conditions mentioned in the Tender Documents and on the basis of the E-Auction held on 12th May 2026. It is, however, clarified that we have not adjudicated any private contractual dispute *dehors* the public law challenge, and all statutory compliances required after declaration of preferred bidder shall be undertaken strictly in accordance with the applicable law and the tender document.

48. The Writ Petition accordingly stands dismissed. Rule is discharged. There shall be no order as to costs.

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49. At this stage, Learned Advocate Mr. Shivan Desai, appearing for the Petitioner prays that the operation and implementation of the present Judgment and Order be stayed so as to enable the Petitioner to avail of its legal remedy. The Learned Advocates appearing for the Respondents have vehemently opposed the said request.

50. We have considered the prayer of the Petitioner. By the present Judgment we have held by an elaborate consideration of the pleadings, documents and submissions advanced by all the parties that the Petitioner has failed to establish any systemic failure of the MSTC portal, any infirmity in the auction process, any violation of the tender conditions or any ground warranting interference in exercise of powers under Article 226 of the Constitution of India. We have further held that the Petitioner has failed to cross the threshold for judicial review in matters arising out of contractual and commercial transaction and that no case of fraud, mala fides, favouritism, collusion or arbitrariness has been either pleaded or proved by the Petitioner in the present Petition.

51. Thus, once the Writ Petition itself stands dismissed on merits and this Court has concluded that the challenge to the E-Auction process if devoid of substance, we do not find any justification to continue the interim arrangement or to restrain the Respondents from acting upon the auction outcome by granting stay to the present Judgment and Order delivered by us. Granting of any such relief at this stage would have the effect of reviving, indirectly, the relief which has been expressly declined after full adjudication on merits. The auction process has already culminated in declaration of the successful bidder and further consequential steps are which require to be undertaken in accordance with law as well as terms and conditions of the tender documents. Any interdiction at this stage would unnecessarily impede the implementation of the auction process thereby affecting the commercial certainty and delay the process which involves mineral resources which are public assets required to be dealt with in transparent manner.

52. In facts and circumstances of the present case, we are not satisfied that any case is made out for staying the operation, implementation or the effect of the present Judgment. The prayer made by the Petitioner is, therefore, rejected.

HITEN S. VENEGAVKAR, J. **VALMIKI MENEZES, J.**