

M/s Radha Diglife Shop Vs. UOI and others.

CMP No. 1764 of 2026 in CWP No. 1309 of 2026

Reserved on: 16.1.2026

23.1.2026 Present: Ms. Reeta Hingmang, Advocate, (through VC) and Mr. Vishwakirti, Advocate (present in the Court), for the petitioner.

Mr. Balram Sharma, DSGI, with Mr. Rajiv Sharma, Advocate, for respondents No.1 and 4-UOI.

Mr. B.N. Sharma, Additional Advocate General, for respondents No.2 and 3-State.

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As per the petitioner, the Central Government introduced Poshan Abhiyan (National Nutrition Mission) and introduced a Poshan Tracker App, a mobile based application developed by Ministry of Women and Child Welfare which is to be used by Anganwari Worker for Real Time Data Capture Monitoring and Uploading of Information related to Nutrition and Health Services. It was decided to provide smart phones to Anganwari Workers and uploading the data on Poshan Tracker App. The Central Government prescribed the minimum specification of the smart phone vide letter dated 28.3.2023 (Annexure P-1). The State Government floated a tender for procuring the smart phones vide GEM Bid No. GEM/2025/B/6860203, dated 15.12.2005 in which the higher specifications were prescribed. These higher

specifications are restrictive and substantially limit competition to favour a particular brand. These are claimed to be arbitrary, violative of Article 14, restrictive, disproportionate and tailor made to select a particular brand in violation of the Central Government Guidelines. Hence, the petitioner filed writ petition before the Court, alongwith an application for seeking *ad interim* directions to extend the tender submission period till the adjudication of the writ petition, restrain the respondents from finalizing/awarding the tender during the pendency of the writ petition.

2. Heard.

3. It was laid down by Hon'ble Supreme Court in *Uflex Ltd. v. Government of Tamil Nadu*, (2022) 1 SCC 165s that the Courts should see whether the terms and conditions of the tender have been tailor made to suit a person/entity. It was held in *Tata Motors Ltd. v. Brihan Mumbai Electric Supply & Transport Undertaking*, (2023) 19 SCC 1 that the Courts should exercise a lot of restraint while exercising their powers of judicial review in contractual or commercial matter. They should only interfere if a clear cut case of arbitrariness, mala fide, bias or irrationality is made out. It was held in *Vinishma Technologies (P) Ltd. v. State of Chhattisgarh*, 2025 SCC

OnLine SC 2119 that all equally placed competitors must be given an equal opportunity to participate in trade and commerce. The State should be prevented from skewing the market in favour of a few by erecting artificial barriers.

4. The Ministry of Women and Child Development had issued the minimum specification of smart phones on 28th March, 2023 about three years ago. The technology has progressed since the date of issuance of the letter. The bid document was issued in December, 2025 and could not have sought the specification prevalent in 2023. The fact that the Government of India had mentioned the minimum specification shows that it was alive to the progress in the technology and had left it to the State Government to prescribe higher specifications.

5. It is stated in the petition that the specifications are meant to favour a particular brand which *prima facie* is not correct. The display brightness minimum 480 nits, blue tooth 5.3, internal storage 64 GB or higher, the chip sets and the clock speed do not show that these are tailor made to favour a particular manufacturer. The Privacy Protection Mode is *prima facie* essential to secure the confidentiality of the data. Simply because the specifications do not suit the petitioner can be no reason to hold that the specifications are tailor made to

suit particular manufacturer. Hence, *prima facie*, no case is made out for granting any interim relief at this stage.

6. Reply, on behalf of the non-applicants/respondents, if any, be filed within three weeks and the matter be listed thereafter.

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List the matter before appropriate Bench after vacation.

(Rakesh Kainthla)
Vacation Judge

23rd January, 2026
(Chander)