

Tender – A mere disagreement with the decision making process or the decision of the administrative authority is no reason for a constitutional Court to interfere – The threshold of mala fides, intention to favour someone or arbitrariness, irrationality or perversity must be met before the constitutional Court interferes with the decision making process or the decision – Owner or the employer of a project, having authored the tender documents, is the best person to understand and appreciate its requirements and interpret its documents – The constitutional Courts must defer to this understanding and appreciation of the tender documents, unless there is mala fide or perversity in the understanding or appreciation or in the application of the terms of the tender conditions – It is possible that the owner or employer of a project may give an interpretation to the tender documents that is not acceptable to the constitutional Courts but that by itself is not a reason for interfering with the interpretation given – Constitution of India, 1950 , Art. 14, Art. 226.

[read HERE 2016 PLRonline 0007](#)

---