



**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

96 WRIT PETITION NO.11018 OF 2019

MAHARASHTRA ENGINEERS ASSOCIATION THROUGH ITS
GENERAL SECRETARY

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. N.S. Tekale h/f. Mr. D.P. Palodkar

AGP for Respondents 1 to 4 : Mr. S.P. Tiwari

Advocate for Respondent 7 : Mr. S.T. Shelke

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**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : 20/09/2021.

PER COURT :

. We have heard Mr. Tekale along with Mr. Palodkar, the learned advocates for the petitioner.

2. The learned advocate for the petitioner submits that Zilla Parishad, Ahmednagar is duty bound to issue E-tender notice for any work above Rs. three lakh. The same is mandated by the Government Resolutions dated 25th of March 2015 and 27th of May 2015. The learned advocate referred to clause 4 of G.R. dated 25th March 2015 and clause 2.2 of G.R. dated 27th May 2015. The



learned counsel submits that in spite of the same, the Zilla Parishad is issuing work order directly to the Grampanchayat and /or without adhering to E-tender process.

3. Mr. Shelke, learned advocate for the Zilla Parishad submits that the Zilla Parishad is scrupulously adhering to the G.Rs. Dated 25th March 2015 and 27th May 2015. As per the G.R. dated 27th May 2015, works which the Grampanchyat is willing to do can be allotted to it and the works which are not demanded by Grampanchayat are to be allotted to labour society, unemployed engineers and registered contractors in the ratio of 33-33-34, respectively. These works in this ratio are distributed and thereafter work is allotted after following E-tender process as per the G.R. dated 25th March 2015. The works up to the limit of Rs.15 lakh can be allotted to the Grampanchayat.

4. We have considered the submissions.

5. There cannot be any dispute with the conditions in the G.Rs. that the works above Rs. three lakh have to be allotted



through E-tender. The G.R. dated 25th March 2015 further clarifies that there are some works which the Grampanchayat can perform through their agencies and if the Grampanchayat shows its inability then the work can be allotted in the ratio of 33-33-34 to the labour society, unemployed engineers and registered contractors. Naturally, while allotting work to the labour society, unemployed engineers and registered contractors the work above Rs. three lakh would not be allotted without E-tender. The Zilla Parishad Ahmednagar in its affidavit has categorically stated that the said process is being adhered to.

6. There are many works which the Grampanchayat within its vicinity can perform. If the Grampanchayat is purchasing the material of more than Rs. one lakh, then certainly same has to be purchased after following E-tender process, so also E-tender process through any other contract of more than Rs. three lakh, it also has to follow E-tender process. The Zilla Parishad being supervisory authority shall confirm that the same is adhered to by the Grampanchayat.



7. With the aforesaid observations, the writ petition stands disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

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