



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11018 OF 2019

MAHARASHTRA ENGINEERS ASSOCIATION THROUGH ITS GENERAL
SECRETARY

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Satyajeet S. Dixit, Advocate for the Petitioner

Mr. S.R. Wakle, AGP for Respondent/State

Mr. Shivaji T. Shelke, Advocate for Respondent No. 7

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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.**

DATE : 01st APRIL, 2026

PER COURT :

1. By this petition, the petitioner seeks following reliefs:-

“(A) The present writ petition may kindly be allowed.

(B) The Hon’ble High Court may be pleased to issue writ of mandamus or any other appropriate writ or order or direction in the nature of writ and thereby direct all the respondents to restrain the Zilla Parishad, Ahmednagar and its authorities from allotting any work without following the method of e-tendering as prescribed by the Government Resolutions dated 25.03.2025 and 27.05.2015.

(BB) The Hon’ble High Court may be pleased to issue writ or any other appropriate writ, order or direction in the nature of writ and thereby quash and set aside the Government resolutions dated 07.05.2021, 11.05.2021 and 27.05.2021 (Annexure “M”).

(BC) The Hon’ble High Court may be pleased to issue writ or any other appropriate writ, order or direction in the nature of writ and thereby direct the respondent No.1 to conduct an enquiry in the various work orders illegally issued by the officers of Zilla Parishad, Ahmednagar (Annexure “N”) and take appropriate action against guilty officers/office bearers.

(C) The Hon’ble High Court may be pleased to issue writ



or any other appropriate writ or order or direction in the nature of writ and thereby direct the respondent No.4 to conduct an enquiry in the illegalities committed by the respondent Nos.6 to 7 in directly allotting the works to/through the village panchayats without following the method of e-tenders and punish the guilty persons.

(D) Pending hearing and till final disposal of the writ petition, this Hon'ble High Court may be pleased to restrain the respondents from finalizing any of tender above Rs.3,00,000/- or Rs.1,00,000/- as the case may be, wherein e-tender is not floated as contemplated by Government Resolutions dated 25.03.2015 and 27.05.2015.

(E) Any other suitable and equitable relief may kindly be granted in favour of the petitioner.

(EE) Pending hearing and final disposal of the present writ petition, the Honb'le High Court may be pleased to stay, effect, operation and implementation of the Government Resolutions dated 07.05.2021, 11.05.2021 and 27.05.2021 (Annexure "N")."

2. Respondent Nos.5 to 7 have filed affidavit-in-reply stating that,

"2.As per GR dt.27th May, 2015 issued by RDD Dept, the works which the grampanchayat 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 & registered contractors in the ratio of 33:33:34 respectively. These works in this ratio are distributed in these three groups and thereafter work is allotted after following e-tender system pas per GR dt.19th Oct, 2011 issued by RDD Dept. As per GR dt. 25th March, 2015 issued by RDD Dept, the works up to the limit of 15 lakhs can be allotted to the grampanchayat.

3. The Zilla Parishad functions in accordance with provisions of Maharashtra Zilla Parishads & Panchayat Samitis Act, 1961 as well as, as per the instructions issued by the Rural Development & Water Conservation Dept of Govt of Maharashtra. As per Sec.124 of ZP Act the works can be allotted to the Grampanchayat as an agency of Zilla Parishad. As per Maharashtra Zilla Parishad & Panchayat Samiti Audit Rules, 1968, the works can also be allotted by



Zilla Parishad to grampanchayat as its agent. The Govt of Maharashtra has enhanced the financial limits of works to be allowed to grampanchayat from time to time since 1968. As per GR dt. 30th June, 2004 issued by RDD Dept, the financial limit of works to be allotted to grampanchayat of 10 lakhs which came to be enhanced to 15 lakhs as per GR dt. 27th May, 2015. Furthermore, the members of association are not prohibited from participating in the tender bid. During the financial year of 2019-20 only 60 work orders up to Rs.3 lakhs have been given to grampanchayat out of total 119 work orders. Similarly, only 82 work orders in respect of the works costing above 3 lakhs to 15 lakhs have been given to grampanchayats out of total 374 work orders. The remaining works have been allotted / distributed amongst the bidders of three categories in the ratio of 33:33:34 respectively after following e-tender system. I, therefore, say that, no prejudice has been caused to the members of association and therefore the petition needs to indulgence."

3. Respondent No.4 Deputy Commissioner has filed affidavit-in-reply making following statements:-

"4. With reference to para no.2 I say and submit that As per Government Resolution dated 19.10.2011 it is very clear that village panchayat have been permitted to carry out work from Rs.3 lakhs to Rs.10 lakhs and it is specifically mentioned that as provision given in GR dated 09.02.2009 if village panchayat is unable or not in position to carry out the work then work will be distributed in 33:33:34 to Unemployed Engineers/Labour Co-operative Societies & Registered Contractors in proportion of 33:33:34 by following the due procedures.

5. With reference to para no.3 & 4 I say and submit that, as per GR dated 19.10.2011 and GR dated 09.02.2009 if Village Panchayat refuses to carry out work, then it is allotted to Unemployed Engineers / Labour Co-operative Societies & Registered Contractors in proportion of 33:33:34 by following the due procedures.

6. With reference to para no.4 & 5 I say and submit that, as per rules and regulation Zilla Parishad has to implements rules of E-tendering process which is mission



mode project of National E-Governance. All the aims and objects of E-tendering systems need to be carried out by Zilla Parishad in tendering process.

7. ...

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13. With reference to para no.12, I say and submit that, according to GR dated 25.03.2015 The village panchayats having annual income of Rs 50,000/- are permitted to carry out the works up to Rs.10,00,000- whereas other Village Panchayats having annual income above Rs.50,000- are permitted to carry out works upto Rs.15,00,000/-, As per GR dated 27.05.2015 unless and until village panchayat refuses to carry out such work it is not distributed to Unemployed Engineers/Diploma Holders, Labour Co-operative Societies & Registered Contractors in proportion of 33:33:34.

14. With reference to para no. 13, I say and submit that, it is very clear from the GR dated 19.10.2011 if village panchayat unable to carry out the work then work which is to be distributed within Unemployed Engineers, Labour Co-operative Societies & Registered Contractors in proportion of 33:33:34 is by following due procedures.

15. With reference to para no.14& 21, I say and submit that, as per rules and regulation Zilla Parishad has to implements rules of E- tendering process. All the aims and Objects of E-tendering systems need to be carried out by Zilla Parishad in tendering process. Zilla Parishad has to follow Government Resolution. As per GR dated 25.03.2015 & 27.05.2015, unless and until village panchayat refuses to carry out work such work will not allotted to Unemployed engineers, Labour Co Operative Societies & Registered Contractors in proportion of 33:33:34.

16. With reference to para no.15 & 16, I say and submit that, as per rules and regulation Zilla Parishad has to implements rules of E-tendering process which is mission mode project of National E-Governance. All the aims and objects of E-tendering systems need to be carried out by Zilla Parishad in tendering process. Zilla Parishad has to follow Government Resolution.



17. With reference to para no.21 I have to offer no comments being legal submission.

18. With reference to Amendment in writ petition I say and submit that, the Government of Maharashtra has enhanced the financial limits of works to be allowed to Grampanchayat from time to time since 1968. There are many works which the Grampanchayat within its vicinity can perform. As per GR dated 25.03.2015 and GR 27.05.2015 cost limit of work to be allotted through E-tender process was Rs.3 lakhs. Vide Government resolution dated 27.05.2021, these limit has been increased Rs.10 lakhs for carrying out development works for Zillha Parishad / Panchayat Samiti / Grampanchayat. The Decision was made on the basis of High Power Committee, State Government of Maharashtra on dated 27.04.2021. It is very crystal clear that view regarding increasing cost limit is to strengthen the power of Grampanchayat because it is only route level organization through which implementation of all schemes of Government of Maharashtra is done."

4. By accepting the above statements made in the affidavit-in-replies filed by the respective respondents, the writ petition is disposed of.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)