

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2690 OF 2026***

Mumbai East Suburban District Labour
Co-operative Societies Sangh Ltd.
Through its Director, Sachin Hanwate
Having its office at Gala Nos.14 and 15
Canara Business Center
Behind Everest Building
Laxmibaug, Ghatkopar (East)
Mumbai – 400 075.

...Petitioner

Versus

1. The State of Maharashtra
Through its Ministry of Cooperation
Marketing and Textile, Mantralaya
Mumbai.
2. Maharashtra Housing Area and
Development Authority
Through Vice President
Having office at Grihanirman Bhavan
Kalanagar, Bandra (East)
Mumbai – 51.
3. Slum Rehabilitation Authority (SRA)
Through Chief Executive Officer
Having office at Administrative Building
Anant Kanekar Marg
D-Block BKC, Naupada, Bandra (East)
Mumbai – 51.
4. Executive Engineer (SRA)
Having office at Administrative Building

Anant Kanekar Marg
D-Block BKC, Naupada, Bandra (East)
Mumbai – 51.

...Respondents

Mr. Vaibhav Parshurami a/w Ms Trisha Choudhari and Mr. M. A. Chaudhari, for the Petitioner.

Ms. Lavina Kriplani, A.G.P. for the State.

Mr. P. G. Lad a/w Ms. Sayali Apte and Mr. Muralidharan Kalathil, for the Respondent No.2.

Ms. Yashi Bhatt a/w Ms. Aarushi Yadav and Ms. Rutuja Shedge i/b Ms. Ravleen Sabharwal, for Respondent Nos. 3 and 4.

***CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.***

DATE : 27th JULY 2026

ORAL JUDGMENT (Per Bharati Dangre, J.) :

1. The petition is filed by the Mumbai East Suburban District Labour Co-operative Societies Sangh Ltd., seeking strict compliance of the Government Resolutions dated 29th July 2021 and 28th February 2024, in its true letter and spirit. The petitioner make a grievance as regards non-adherence to the guidelines contained in the Resolutions, specifically while granting Labour Contracts to the Labour Co-operative Societies.

Taking cognizance of the grievance of the petitioner, since we had an issue, as to what should be the interpretation of the policy decision contained in the two Government Resolutions and what should be the criteria applicable for allotment of 33% of work i.e. whether it should be work wise or dependent upon the valuation of the work to be allotted, since we noted that certain outer limits are prescribed for the work to be allotted to the Labour Co-operative Societies, we sought clarification from the Public Works Department by our order dated 2nd July 2026, when we expressed thus:-

“1. The Mumbai East Suburban District Labour Co-Operative Societies Sangh Ltd. is before us, by raising a grievance about the allotment of work to the Labour Co-operative Societies, and this claim no stake against MHADA, reliance is placed upon the policy decision of the Public Works Department (PWD), reflected through various resolutions and which the MHADA has followed. It is the contention of the Petitioner that when it is a policy of the State Government to allot 33% of the work to Labour Co-operative Societies, then this should be interpreted as 33% of the valuation of work which is available in a financial year and not the number of works.

We have heard the matter on more than one occasion, and our attention is invited by the learned counsel for the Petitioner to a communication addressed by MHADA to the Petitioner on 26.02.2026 as regards its demand of allotment of

33% of work, and it is clarified that in terms of the Government Resolution, the percentage of work to be allotted is not dependent upon the valuation of the work, but it is to be determined on the basis of the number of works.

2. Since the MHADA is following the policy of the State Government, we expect the Public Works Department for the State of Maharashtra to offer a clarification to us, as to what is their interpretation of the clause contemplating "33% of the work" to be allotted to Labour Co-operative Societies.

We have appearance of learned AGP Ms Kriplani represent the Government, and we requested her to take instructions from the Public Works Department and, if necessary, file a reply affidavit, setting out as to what is the interpretation of the Public Work Department of the criteria set out in Government Resolution dated 27.09.2018 and 27.09.2021.

Let the copy of the affidavit be served in advance upon the learned counsel for the Petitioner as well as Mr. Lad, who represent the MHADA.

List on 27.07.2026."

2. Today, we have before us an affidavit filed by the Deputy Secretary (Buildings), Public Works Department placed before us, which is affirmed on 17th July 2026 and the deponent of the affidavit in paragraphs 3 and 4 has stated as below:-

*"3. I say as per the Government Resolution of Public Works Department dated 27/09/2018, the works are to be allotted on the **Total Number of Works** and not Amount of Work. I say that likewise as*

*per the Government Resolution of Public Works Department dated 27/09/2021, (incorrect date 27.09.2021), the works are to be allotted on the **Total Number of Works** and not Amount of Work. I, therefore, submit that this ratio of 33:33:34 is based on the **Number of Works** available at any point of time with the Tender inviting Authority.*

*4. I, however, wish to add that in a meeting dated 08.04.2026 under the Chairmanship of Hon'ble Minister, Public Works Department at Mantralaya, it was decided to move a proposal to apply this ratio of 33:33:34 on the **Total Amount of Works instead of Number of Works** and this is presently under consideration at the Mantralaya.”*

3. The learned counsel for the petitioner has also placed before us the Minutes of the Meeting held on 8th April 2026, which was chaired by the Hon'ble Minister, Public Works Department, when the request of the Labour Co-operative Societies for enhancing the benefits available to them was considered thread bare in the presence of the Secretary, Public Works Department as well as Secretary (Road), the Office Bearers of the Federation and the Superintendent Engineer, Public Works Department.

The decision taken in the said Meeting, as regards the proportion in which the work shall be allotted in the Government

Resolution, which prescribed the allotment to be 33:33:34, it is recorded that the work to be allotted to Labour Co-operative Societies, unemployed Engineers and registered Contractors prescribed in the Government Resolution in the ratio of 33:33:34 shall be in accordance with the valuation of the work.

The said Minutes of the Meeting are taken on record and marked 'X' for identification.

The learned A.G.P. is under instructions to make a statement that the said decision is under implementation.

4. In our opinion, the Government Resolution already prescribe the ratio of 33:33:34 and when MHADA applied it based on the number of works and we sought clarification, the Public Works Department has also come up with a specific stand that it also considered the said clause as dependent upon the number of works, but now the directions are given to the effect that this allotment shall be in proportion of the amount involved in the said works which are available in a particular financial year.

In such a situation, in case if the government is desirous of issuing clarification, it may do so or else we expect that the clarification now coming up in presence of the Meeting chaired by the Hon'ble Minister, Public Works Department, as well as the Secretary of the Public Works Department, the same shall be implemented for the year 2026-2027 and the works which are to be allotted in this year shall be strictly in accordance with the decision taken in the Meeting dated 8th April 2026.

With this clarification, the writ petition is disposed of.

MANJUSHA DESHPANDE, J.

BHARATI DANGRE, J.