

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

WRIT PETITION NO. 459 OF 2015

The Gram Panchayat
Bamane

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. V.D. Hon, Senior Counsel, instructed by Mr. A.V. Hon, advocate for petitioner.

Mr. S.S. Tope, GP for the State.

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CORAM : R.M. BORDE &

P.R. BORA, JJ.

DATE : 4th MARCH, 2015.

PER COURT :

1. Learned counsel for petitioner states that the grievance raised by petitioner in the instant petition stands redressed in view of contentions raised in paragraphs 5 and 6 of affidavit-in-reply tendered on behalf of the State Government, which are quoted as below :

5. I say and submit that as per the 73rd constitutional amendment Gram Panchayats are empowered and also given some responsibilities. For this purpose development works are being allotted to strengthen the Gram Panchayats. Therefore Rural Development Department Government of Maharashtra has issued a GR dated 9th February, 2009 regarding the direct allotment of works to Gram Panchayat without participation in the any tendering process provided Gram Panchayat should satisfy the condition laid down in the said GR.

6. I say and submit that the Rural Development Department has also issued a GR dated 19th October, 2011 regarding e-tendering

process for the purchase of goods and civil works implemented by Zilla Parishad, Panchayat Samiti and Gram Panchayat. In this GR in para 1 (A) (2) it is mentioned that the material to be purchased or services to be rendered for which no any government rate contract is available and cost is more than 1 lakh then e-tendering process has to be followed for such purchases or services rendered. It is also mentioned in the para (B) (1) & (2) of this GR, if Gram Panchayat allotting works to other agencies works which have cost more than 5 lakh can allot only by way of e-tendering process. If Gram Panchayats are executing works by engaging labour themselves, then the question of e-tendering will not arise. The copy of the GR dated 19.10.2011 is annexed herewith and marked as EXHIBIT R-4. As far as effect of the General Administrative Department GR dated 18/12/2014, on the empowerment of the Gram Panchayat is concerned Rural Development Department has referred this matter to the General Administrative Department Government of Maharashtra for further clarification.

The State Government is expected to abide by the policy decision taken under Government Resolutions dated 09.02.2009, 19.10.2011, 26.11.2014 and 18.12.2014 or any other relevant policy decision governing the subject matter.

2. In view of above, writ petition stands disposed of.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE