

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10334 OF 2018

Maharashtra State Contractors' Association

...Petitioner

Vs.

**The State of Maharashtra through the Hon'ble
Chief Secretary & Ors.**

...Respondents

Mr.A.B. Tajane for Petitioner.

Ms.Nisha Mehra, AGP for Respondent Nos.1 to 7.

**CORAM : NARESH H. PATIL, ACTING C.J. AND
G.S. KULKARNI, J.**

DATE : 21st SEPTEMBER 2018

P.C.:

It is submitted that the State Government has issued Government Resolution dated 16th August 2017 prescribing revised rules for the award of contract having quantum of Rs.1.50 Crores. Another circular was issued on 19th September 2017 which is a clarification in respect of effect of Goods and Services Act, 2017 on works contracts and demands raised by the Contractors' Association regarding the process and condition of the contracts. The learned Counsel appearing for the petitioner refers to Clause 3.4 of the circular which reads as under:-

“3.4 Clubbing of Works

The work shall be clubbed together if they are in one continuous length of the road. However, no clubbing shall be resorted to if the works are distinctly apart from each other and are not on the

same road. For achieving good quality in execution, the minimum road length shall be 10 Km and in case of building maintenance single estimate shall be prepared for one entire building.”

2. It is the grievance of the petitioner that the contracts which are recently awarded, are contrary to Clause 3.4. It is averred that certain works are clubbed together which is contrary and has deprived of large number of contractors said to be small contractors who are members of the petitioner-association participating in the tender process. In respect of the said grievance, some representations have been addressed to Executive Engineer, Public Works Department (North), Pune (page 86 to 98).

3. The learned Counsel appearing for the petitioner submits that the Chief Secretary, Rural Development, is an authority to look into the grievances of the Association.

4. We have perused the record placed before us and considered the submissions advanced.

5. We find it appropriate to observe that the respondent No.1 may hear the authorized representative of the petitioner's association on the subject grievances and look into the matter accordingly. In case the

petitioner desires to point out specific instances of awarding of tender, issuance of tender, which allegedly goes contrary to the said policy, then such issues also be discussed with the Chief Secretary of the concerned Ministry.

6. The Chief Secretary of the concerned Ministry would be entitled to hear all the concerned parties including authorized representative of the State.

7. With these observations and directions, the writ petition stands disposed of.

8. The learned AGP to communicate the order.

G.S. KULKARNI, J.

ACTING CHIEF JUSTICE