

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

930 WRIT PETITION NO.1458 OF 2023

YOGESH RAMRAO CHAVAN

... Petitioner

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

... Respondents

...

Mr. N.T. Tribhuwan, Advocate for the Petitioner

Mr. S. B. Pulkundwar, AGP for the Respondents/State

...

**CORAM : NITIN W. SAMBRE &
S. G. CHAPALGAONKAR, JJ.**

DATE : 14.03.2023

PER COURT :

1. In the implementation of Jal Jeevan Mission, the petitioner, was one of the technical service provider who was entrusted with the work of survey, preparation of detailed project report. The petitioner, in pursuant to the aforesaid, has participated in the tender process for the execution of the water supply scheme for which he was also acted as the technical service provider. Accordingly, the petitioner was awarded two works viz. (1) Gitta at Taluka Ambejogai and (2) Maholi at Taluka Kaij. Pursuant to the work order issued in favour of the petitioner, he has already executed part of the work.

2. As a complaint was made to the various Government Authorities, the Inquiry Committees were constituted who has recorded that the petitioner, a technical service provider has participated in the tender

process for the very same work for which he has carried out survey and made detailed project report.

3. Accordingly, it was recommended that the work be withdrawn from the petitioner.

4. In this background, impugned order dated 6th January, 2023 came to be issued to the petitioner and other similarly placed contractors, thereby directing not to carry out the work and the allotments stood canceled.

5. The reason for such communication is the failure of the contractor like petitioner to start the execution of the work and not they being technical service provider.

6. The learned counsel for the petitioner has invited our attention to the inquiry reports, so also the communication issued by the State Government on 31st January, 2023. Vide the communication dated 31st January, 2023, the Government has directed the respondents to permit the contractors like petitioner who were technical service providers to continue with execution of the work provided the quality is properly maintained.

7. In response to the Court's query, the learned counsel for respondent No.4 – Zilla Parishad submits that the directions issued by the State Government dated 31st January, 2023 is binding on it and they shall be acting in accordance with the said communication.

8. As a sequel of the aforesaid communication, the petitioner has to be permitted to continue with the execution of the work and the order of respondent No.4 dated 6th January, 2021 which is impugned in the

present petition cannot be said to be sustainable or implementable. There is one more facet to the matter viz. the order impugned was passed by respondent No.4 on 6th January, 2021 stating that the petitioner has not started execution of the work. However, Inquiry Committee specifically observed in their report that the part of work is already executed by the contractor like petitioner.

9. In that view of the matter, the order impugned dated 6th January, 2023 is hereby quashed and set aside. The petition stands allowed in the above terms.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

Sameer