

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1239 OF 2025

Rajkumar Shishram Bugalia

Proprietor of

R. Kumar Construction Co.

....Petitioner

versus

The State of Maharashtra & Ors.

....Respondents

Mr. Atul Damle, Senior Advocate with Mr. Harshal H. Savla i/b
Mr. Mayur V. Faria *for the Petitioner.*

Ms. Jaymala Ostwal, Additional GP for *for Respondent Nos.1 & 7/
State.*

Mr. P.G. Lad with Ms. Anjali Maskar *for Respondent Nos.2 to 6/
MHADA*

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE : 5 AUGUST 2025.

P.C. (Per Sandeep V. Marne):

1. Petitioner has filed this Petition challenging the impugned tender notice on the ground that only Labour Co-operative Societies are permitted to bid for the tendered works. Petitioner's grievance is that under the Government Resolution dated 28 February 2024, works upto value of Rs.50,00,000/- are required to be divided in the ratio of 33:33:34 amongst Labour Co-operative Societies, Educated Unemployed Engineers and Eligible Registered Regular Contractors. Petitioner contends that the impugned tender

notice invites bids only from the category of Labour Co-operative Societies thereby allotting 100% of the said works to that category alone.

2. We have heard Mr. Damle, the learned Senior Advocate appearing for the Petitioner, Mr. Lad, the learned counsel appearing for Respondent Nos.2 to 6 (MHADA) and Ms. Ostwal, the learned Additional GP appearing for State.

3. Careful perusal of the Government Resolution dated 28 February 2024 indicates that the overall works of an organization upto the value of Rs.50,00,000/- are to be distributed in the ratio of 33:33:34 amongst Labour Co-operative Societies, Educated Unemployed Engineers and Eligible Registered Regular Contractors. It is not that the works of each tender notice are required to be divided into the said ratio of 33:33:34. We have perused the Affidavit-in-Reply filed on behalf of Maharashtra Housing and Area Development Authority (MHADA) in which it is pointed out that during the year 2024-25 MHADA has divided various works in the prescribed ratio. It is further pointed out in the Affidavit that the works which are tendered in the impugned notice are to be performed by unskilled workers and therefore bids are invited from Labour Co-operative Societies.

4. Petitioner has attempted to dispute the claim of MHADA about distribution of all works with the ratio of 33:33:34. However,

the scope of the Petition does not include minute scrutiny of the entire works allotted by MHADA to various categories of contracts during 2024-25. The Petition challenges the impugned tender notice, which is mainly issued for sweeping and cleaning work, which cannot be performed by educated unemployed engineers. In that view of the matter, no infirmity can be traced in the impugned tender notice initiating bids only for Labour Co-operative Societies. However, MHADA shall ensure that provisions of Government Resolution dated 28 February 2024 are followed by distributing various works tendered in a year in the prescribed ratio of 33:33:34. With the above observations, the Petition is disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)

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by
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KATKAM
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