



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.777 OF 2025

[Ruhant Mazoor Sahkari Sanstha Maryadit **..Vs..** State of Maharashtra
and Anr.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr K. S. Motwani, Advocate for Petitioner.
Mr D. V. Chauhan, Senior Advocate/GP for Respondent No.1.
Mr J. B. Kasat, Advocate for Respondent No.2.

CORAM : ALOK ARADHE, CJ. AND
A. S. CHANDURKAR, J.

DATE : 14th FEBRUARY, 2025.

1. Heard with the consent of learned counsel for the parties.
2. In this writ petition, the petitioner seeks direction to the Vidarbha Irrigation Development Corporation to modify the impugned tender advertisement No.8/2024-2025 dated 30.01.2025, issued by the Executive Engineer, V. I. D. C., Gondia, by applying 33:33:34 ratio as prescribed in Government Resolution dated 28.02.2024.
3. Facts giving rise to filing of writ petition in nut shell are that the petitioner is a Labour Co-operative Society registered under the Maharashtra Co-operative Societies Act, 1960 and is based in different parts of District Bhandara. The Vidarbha Irrigation Development Corporation is an instrumentality of the State of Maharashtra.
4. The Executive Engineer, V. I. D. C. (hereinafter referred to as "the V. I. D. C."), on 30.01.2025, issued an advertisement inviting tenders through electronic tendering system under various heads and works in Bhandara District.

5. The petitioner has not submitted its bid in response to the aforesaid notice inviting tender. The petitioner has challenged the aforesaid impugned tender in this petition, *inter alia*, on the ground that the same is contrary to the Government Resolution dated 28.02.2024 issued by the Public Works Department of the Government of Maharashtra. Hence, this petition.

6. Learned counsel for petitioner, while inviting the attention of this Court to paragraph 6 of the aforesaid G. R. dated 28.02.2024, submitted that the aforesaid paragraph mandates the V. I. D. C. to apply the ratio of 33:33:34 which have not been described in the impugned tender advertisement. Therefore, the impugned tender advertisement deserves to be modified.

7. On the other hand, learned Senior Counsel/Government Pleader for respondent No.1 submits that the aforesaid resolution does not apply to the factual situation of the case, as it has been issued by the Public Works Department. In support of aforesaid submission, reliance is placed on *Maharashtra State Contractors Association and Anr. vs. State of Maharashtra and Ors.*, 2022 SCC OnLine Bom 8174. Learned counsel for respondent No.2 also submits that the aforesaid G. R. has no application to the factual situation of the case.

8. We have considered the rival submission of both the sides and perused the record. On perusal of Government Resolution dated 28.02.2024, it is evident that the same has been issued by the Public Works Department of Government of Maharashtra. The respondent No.2 is an instrumentality of the State of Maharashtra and is controlled by the Irrigation Department. A Division Bench of this Court in *Maharashtra*

State Contractors Association (supra) has held that the G.R. issued by one department is not applicable to another department.

9. We are in agreement with a view taken by the Division Bench of this Court in aforesaid decision. Thus, it is evident that the petitioner's contention that the impugned tender violates the Government Resolution dated 28.02.2024 lacks substance. In the result, the writ petition fails and the same is dismissed.

(A. S. CHANDURKAR, J.)

(CHIEF JUSTICE)

Tambe