



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

WRIT PETITION NO. 2615 OF 2024

(Aniruddha Damodar Chouganjkar

Vs.

State of Maharashtra, Thr. its Secretary, Public Works Department,
Mantralaya, Mumbai & Ors.)

Office Notes, Office Memoranda
of Coram, Appearances, Court's
orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. S.V. Bhutada, Advocate a/w Mr. Yash Maheshwari, Advocate for the
Petitioner.
Mr. J.Y. Ghurde, AGP for the Respondents/State.

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 6th MARCH, 2025

1. Heard.

2. The Petition seeks to challenge the Government Resolution dated 21.09.2023 by which the concessions/benefit/exemption granted under the earlier Government Resolution dated 16.11.2021 have been withdrawn.

3. The learned Counsel for the Petitioner, by relying upon the principle of promissory estoppel contends, that once the State has granted certain benefits and concessions, to former employees of State and Semi Government Department, who have entered the field of public contracts,

the same could not have been withdrawn by the subsequent Government Resolution dated 21.09.2023, as the promise earlier made was acted upon by the Petitioner in this case.

4. In fact, the very issuance of the Government Resolution dated 16.11.2021, which doles out the concessions benefits/exemptions to ex-employees of the State and Semi Government Departments who are willing to undertake construction contracts, would be an anathema, to the concept of level playing field, as it would be creating a special category for contractors, only on the basis of such persons having at some point of time served in the Government/Semi Government Departments/Corporations. This clearly was not permissible, and destroyed the very concept of level playing field in the realm of awarding public contracts.

5. It is perhaps, on account of such realization, that the subsequent Government Resolution dated 21.09.2023 has been thereafter issued, withdrawing the concessions. It is therefore apparent, that by withdrawal of the said concessions what has been done, is to bring the contractors such as the Petitioner on par with other persons, so that a level playing field is ensured for everyone in the matter of grant of public contracts.

6. It would also be trite to note, that in case, the Petitioner feels aggrieved by a breach of a promise, claimed to have been made by the State, it would be permissible for the Petitioner to approach the Civil Court to claim damages, for the breach of promise. We, therefore, do not see any merit in

the Petition. The same is **dismissed**. No costs.

7. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

SD. Bhimte