



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

WRIT PETITION NO. 6136 OF 2025

M/S. NAYAN ENTERPRISES AND ANOTHER
Vrs.
THE STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. A. Naik, Senior Counsel a/b Shri Rohan R. Deo, Advocate for
petitioners.
Shri N. S. Rao, AGP for respondent Nos.1, 2 and 4.

CORAM: ANIL L. PANSARE AND
Y. G. KHOBRAGADE, JJ.
DATE : 10/10/2025.

1. The petitioners have approached this Court
with following prayers :-

- “(A) Hold and declare that the impugned order dated 17th September 2025 issued by the Respondent No.2 (Annexure “F”) is violative of Articles 14 and 19 (1)(g) of the Constitution of India and be further pleased to quash and set aside the same as bad in law;
- (B) Hold and declare that Respondent No.3's decision/order dated 08.10.2025 to the extent that the petitioner has been technically disqualified in the tender of civil work described in Paragraph 2 (IV) of the petition i.e., Strengthening of Allipur To Bhiojankheda Vr-13, Taluka Hinganghat, District Wardha, is bad in law and be further pleased to quash and set aside the same;
- (C) Hold and declare that the petitioner is technically qualified and eligible in the tender of civil

work described in Paragraph 2(IV) of the petition i.e., Strengthening of Allipur to Bhiojankheda Vr-13, Taluka Hinganghat, District Wardha and be further pleased to direct the Respondent 3 to open and consider the financial bid of the petitioner;

(D) Hold and declare that the impugned show-cause notice dated 23.09.2025 issued by the Respondent No. 4 and received by the petitioners on 29.09.2025 is bad in law, and be further pleased to quash and set aside the same;

(E) Stay the effect, implementation and operation of the impugned order dated 19.09.2025 passed by the Respondent No. 2 during the pendency and final disposal of the petition;

(F) Stay the effect, implementation and operation of the impugned order dated 07.10.2025 passed by the Respondent NO. 3 during the pendency and final disposal of the petition;

(G) Stay the effect, implementation and operation of the impugned notice dated 23.09.2025 passed by the Respondent No. 3 and received by the petitioner on 29.09.2025 during the pendency and final disposal of the petition; (Annexure-I).

(H) During the pendency and final disposal of this petition, restrain the respondents from opening the financial bids of other bidders in respect of tender of “Strengthening Of Allipur To Bhoijankheda Vr-13, Taluka Hinganghat, District Wardha”;

(I) During the pendency and final disposal of the petition, stay all further process in civil works/tenders described in Paragraph 2 of the petition, pursuant to e-tender notice published on 21st May 2025;

(J) Grant ad-interim ex-parte relief in terms of Prayer Clauses (E), (F), (G), (H) and (I);

(K) Grant any other relief as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.”

2. The root cause of the issue is order dated 17/09/2025 passed by respondent No.2. By the said order/communication, respondent No.2 has informed the respondent No.3 - Executive Engineer, Zilla Parishad, Wardha that Hot Mix plant run by the petitioners is closed. A letter refers to inspection report dated 12/09/2025, which was filed by the Deputy Engineer, Zilla Parishad, Wardha.

3. The argument is that respondent No.2 could not have inspected the plant without notice to the petitioners.

4. Since we prima facie found the aforesaid act to be in blatant violation of principles of natural justice, we called upon the learned AGP to forthwith seek instructions and make the respondent No.2 – Officer present before the Court. Accordingly, the matter was kept back.

5. Later on, the respondent No.2 appeared and invited our attention to the communication dated 16/09/2025 made by the petitioners to respondent No.2 requesting him to issue Plant Registration Certificate at a fresh address saying that he is shifting his plant to Yellapalli.

6. Learned AGP submits that, the petitioners were thus aware that the plant under question is closed and therefore, no interference should be made in the impugned communication.

7. We need not go into merits of the case. It appears that on 16/09/2025, petitioners themselves have issued letter to the respondent No.2 indicating that the plant under question has been closed and is being shifted to new place. The petitioners have suppressed this vital fact. The petition is accordingly dismissed on this count alone.

[Y. G. KHOBRAGADE, J.]

[ANIL L. PANSARE, J.]

Choulwar