IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12181 OF 2026

SHAILESH DILIP RAUTRAO
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND OTHERS
...
Mr. Namdev D. Kendre, Advocate for the Petitioner
Mr. B. B. Bhise, AGP for Respondents/State
...

CORAM : NITIN B. SURYAWANSHI AND ABASAHEB D. SHINDE, JJ.

DATE : 13th OCTOBER, 2026

PER COURT :

1. This petition filed under Article 226 of the Constitution of India challenges the communication / letter dated 31/08/2026 issued by respondent No.3 Executive Engineer, Public Works Department, Latur, thereby disqualifying the petitioner from the tender process.

2. Heard learned advocate for petitioner and learned AGP for respondents – State. Perused the record.

3. Pursuant to the E-tender issued on 10/07/2026 for the work of improvement of NH-548B to Gavhan, Brahmwadi, Darji-Borgaon, Indarthane, Arajkheda, Saai, Mahapur MDR-86 Javalga, Selu (Kh.) Ramwadi, Kumbharwadi MDR-15 Road, MDR-100, Km. 20/00 to 23/00, Taluka Renapur, District Latur, petitioner submitted his tender form. By letter dated 20/08/2026, respondent No.3

pointed out certain defects / objections in the tender form of the petitioner and directed him to comply with the same. Petitioner claims to have complied with the said defects / objections on 22/08/2026. By the impugned communication dated 31/08/2026, petitioner was disqualified from the tender process on the ground that he has not given registration certificates of Bouzer, Static Roller and Vibratory Roller. Hence, the writ petitioner.

4. The relevant qualification criteria which the petitioner has failed to comply is as follows:-

> *"(d) Each Contractor should further demonstrate the availability of the following key and critical equipment should be Owned or on Hired (as specified) by the contractor and be actually in his possession and available exclusively for this work at the time of submission of tender (Information is to be uploaded Statement No.2 A on page No.38 to 40)*

1.	*SCADA enabled Drum Mix Type Hot Mix Plant / Batch Mix Plant*	*One Number (Owned)*
2.	*Paver Finisher with SCADA*	*One Number (Owned)*
3.	*Mechanical Bitumen Sprayer with SCADA*	*One Number (Owned)*
4.	*Bouzer 10 MT capacity for conveyance of Asphalt with Vehicle Tracking System.*	*Two Numbers (Owned)*
5.	*Vibratory Roller with SCADA for Bituminous works.*	*Two Numbers (Owned)*
6.	*Static Roller 8 to 10 Tonne / Smooth wheeled Power Roller.*	*Two Numbers (Owned)*
7.	*Vibratory Roller for GSB/WBM/Earthwork work*	*One Number (Owned)*
8.	*Tippers / Truck with Vehicle Tracking System (VTS)*	*Four Numbers (2 Owned + 2 Hired)*

9.	*Hydraulic Broom*	*One Number (Owned)*
10.	*Water Tanker – (5000 Liters)*	*One Number (Owned)*
11.	*Pug Mill*	*One Number (Owned)*
12.	*Motor Grader*	*One Number (Owned/Hired)*
13.	*SCADA enabled Reversible Drum Type Concrete Mixer (PAN Mixer) of any standard company*	*One Number (Owned/Hired)*
14.	*Needle Vibrator*	*One Number (Owned/Hired)*
15.	*Centering plates with adjustable props (of standard make)*	*100.00 Square Metre (Owned/Hired)*
16.	*Sand Screening & Washing Machine (Electrically or diesel operated)*	*One Number (Owned/Hired)*

5. Pursuant to the letter dated 20/08/2026, petitioner claims to have submitted the documents showing his ownership. Perusal of the said documents reveal that the petitioner is not the owner of the said vehicles i.e. Bouzer, Static Roller and Vibratory Roller. The said vehicles stand in the name of different owner and they are allegedly purchased by the petitioner from one A. B. Dongre and Company, by way of notarised sale deed dated 23/07/2026.

6. Respondent Nos.1 to 3 have filed affidavit-in-reply contending that, in spite of opportunity given to the petitioner to comply with the deficiencies, petitioner has failed to comply with

the same. Petitioner failed to submit the registration certificates and proof of ownership of the required vehicles. Though sale / purchase agreement in respect of Bowser and Tipper / Truck was submitted by the petitioner to demonstrate availability of requisite machinery / vehicles, however, the vehicles are not registered in the name of petitioner and the petitioner has failed to produce registration certificates evidencing his ownership or otherwise establishing the requisite availability of the said vehicles. Letter from Murugan Engineers and Contractors dated 19/08/2026 addressed to the Executive Engineer is annexed along with the affidavit, which shows that the said firm has not entered into a sale deed of sale of machinery with the present petitioner.

7. In the light of the above discussion, it is clear that the petitioner has failed to fulfill the qualification criteria mentioned in the tender document. We, therefore, find no merit in the challenge raised by the petitioner in the present petition. Writ petition being devoid of merit, is dismissed.

(ABASAHEB D. SHINDE, J.) **(NITIN B. SURYAWANSHI, J.)**