



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO.898 OF 2026

Ms Shivneri Construction Through Its Prop Sharad Ratanrao Yadav
VERSUS
The State Of Maharashtra And Others

...
Mr. V. C. Patil h/f Mr. U. B. Bondar, Advocate for the Petitioner.
Mr. A. M. Phule, AGP for Respondents/State.
...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 06 FEBRUARY 2026

ORDER :

. Heard learned Advocate Mr. V. C. Patil holding for learned Advocate Mr. U. B. Bondar for the petitioner.

2. The petitioner, who is a registered Class IV contractor, challenges the order dated 09.01.2026 passed by respondent No.2 as well as the orders dated 24.09.2025 and 29.10.2025 passed by Additional Chief Executive Officer, Parbhani as well as seeks restraining the order against the respondents from recovering an amount of Rs.27,45,467/-. The petitioner had undertaken the work of 4 kilometer Dharmapuri Road and bridge construction and improvement work under E-Tender vide order dated 08.06.2023. According to the petitioner, the work of construction

was strictly as per the technical specifications and departmental norms. The Sectional Engineer used to visit the site frequently and inspected the work from time to time. The work was completed on 19.07.2023 and the completion certificate has also been issued by the Executive Engineer on 19.07.2023. According to the petitioner, as per clause No.9 of the work order, the defect liability period was 24 months, which was ended on 18.07.2025, however, after the said period was over, the first notice was issued by the Executive Engineer on 14.08.2025 and the second notice was issued on 21.08.2025 i.e. after the period of defect liability regarding the quality of construction. The reply was given by the petitioner on 22.08.2025, however, the orders came to be passed by the Additional Chief Executive Officer on 24.09.2025 disqualifying the petitioner from tender participation for next three years and on 29.10.2025, directing the petitioner to pay Rs.27,40,797/-. Hence, this petition.

3. After considering the submissions as well as the documents on record, we are of the opinion that the prayer clause 'C' cannot be entertained under Article 226 of the Constitution of India, where the disputed facts have been raised. Now, as regards the disqualification of the petitioner ordered on 24.09.2025 and confirmed on 09.01.2026 in the appeal is concerned, the petitioner states that the entire exercise has been started after the defect liability period and proper opportunity of

hearing was not given to the petitioner by the authorities. This aspect can only be considered in the writ petition and, therefore, we restrict the petition to this extent only.

4. Issue notice to the respondents. Learned AGP waives notice for respondent No.1. Notice of respondent Nos.2 and 3 is made returnable on 11.03.2026.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm