



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

910 WRIT PETITION NO. 1071 OF 2026

SHIVANI ESTATE BROKERS AND DEVELOPERS THROUGH ITS DIRECTOR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. V.B. Patil, Advocate for petitioner  
Mr. R.S. Wani, AGP for respondent Nos.1 to 6

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

DATE : 13<sup>th</sup> MARCH, 2026

**ORDER :** ( PER : HITEN S. VENEGAVKAR, J. )

. Present petitioner is a participant in the tender process for excavation of sand in pursuance of an auction process which was floated and conducted by respondent No.4. It is the contention of petitioner that petitioner must found qualify and eligible and, therefore, the auction was awarded to him for the reason that he is the highest bidder. After he was selected in the auction process, he had deposited 25% of the auction amount with respondent authorities and subsequently in order to complete the entire process he was required to pay 75% amount within 15 days with the office of

respondent No.4. It is a categorical case of petitioner that he failed to arrange and deposit the said 75% amount and, therefore, he submitted an application for extension of time on 09.01.2026 requesting the Divisional Commissioner to grant him extension of additional 15 days. Respondent No.2 on perusing the application and reasons mentioned therein found the reasons to be unsatisfactory for extending the period of 15 days in favour of petitioner for depositing the 75% amount and thus rejected his application. The petitioner by way of present petition has approached this Court under Article 226 of the Constitution of India with a prayer that he may be permitted to deposit 75% amount with the office of respondent No.2 and accordingly, this Court should exercise its writ jurisdiction and extend the period for deposit of said amount. We have perused the documents placed on record along with the tender document dated 28.11.2025, wherein the contention in respect of deposit of 75 % is mentioned on page 22 clause No.6 under the head of 'Process for Auction'. The tender condition clearly specifies in advance that the participant, who deposits 25% of the auction amount and thereafter fails to deposit remaining 75% amount will be entitled for 15 days additional time, in case he make out a genuine and *bona fide* ground for grant of that extension. Accordingly, the application which is also annexed to the present petition carves out the ground on which the extension has been sought by present petitioner. The reason mentioned therein is due to the

prevailing Municipal elections, there are difficulties in arranging finances and also the reason that during the said election period there were difficulties in completing the banking transactions within time. Respondent No.2 while considering these grounds has rejected the application. We do not feel it appropriate to interfere with the same for the reason that the said rejection is not arbitrary or illegal and neither the reasons provided are cogent or satisfactory.

2            Learned AGP has strong objection to allow the petition.

3            Petitioner was well aware before participating in the auction process that he will be required to make arrangements towards the auction amount after he is selected as highest bidder and, therefore, the petitioner should have been ready with the said amount or in case he wanted to arrange the same he should have been ready with the same well in advance. Thus, in given case the discretion that has been used by respondent No.2 is in accordance with the law as well as in accordance with terms and conditions those are mentioned in the auction document.

4            The petitioner across the Bar has made a statement that at least 25% amount that has been deposited by him should be refunded for the reasons that clause (vii) of the tender document states that in case the

participant fails to deposit 75% amount, then his earlier deposit of 25% will be forfeited. We find some force in the submission and request made by petitioner's Advocate pertaining to refund of his 25% amount. The petitioner has moved an application for extension of time well within the period of 15 days before respondent No.2 and have made out some ground for consideration of respondent No.2 for extending the time. It is only because the grounds are not found to be satisfactory for respondent No.2 to extend the limitation period, the request has been denied and application has been rejected. For this reason, it cannot be said that the petitioner has failed to deposit 75% amount for no reason and, therefore, we **partly allow** the writ petition by directing respondent No.4 to make mandatory deduction from the said amount towards the expenses that has been incurred for floating the auction process. After deducting the mandatory expenses the remaining amount be refunded to petitioner within a period of four weeks from today. In case respondent No.4 fails to refund the amount within four weeks, then the amount be refunded with interest @ 6% per annum.

( HITEN S. VENEGAVKAR, J. )

( SMT. VIBHA KANKANWADI, J. )