



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 WRIT PETITION NO.3252 OF 2026

Ms Sanika Construction Through Its Proprietor Hitendrasing V Jamadar
VERSUS
The State Of Maharashtra Through Chief Secretary And Others

...
Mr. Vivek B. Patil, Advocate for the Petitioner.
Ms. N. B. Kamble, AGP for Respondents/State.
...

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

DATE : 27 MARCH 2026

ORDER :

. Present petition has been filed for following reliefs :-

“A) Issue appropriate Writ or Order in the like nature thereby direct respondent No.1 to include name of Works at Sr. No.27, 98 and 127 as shown in Civil Budget Estimates 2025-2026 Part III-Appendices, Appendix-D carried and completed by Petitioner in the Memorandum/List annexed to Government Resolution issued by respondent No.3 under Tribal Sub Plan for year 2025-2026 dated 09.03.2026 for disbursement of fund and consequently direct respondent Nos.3, 4 and 5 to forthwith pay bills in favour of petitioner.

B) By an interim order direct the respondent Nos.1 ro 4 to forthwith include name of Works at Sr. No.27, 98 and 127 as shown in Civil Budget Estimates 2025-2026 Part III-Appendices, Appendix-D carried and completed by Petitioner

in the Memorandum/List annexed to Government Resolution issued by respondent No.3 under Tribal Sub Plan for year 2025-2026 dated 09.03.2026 for disbursement of fund and consequently direct the respondent Nos.3, 4 and 5 to forthwith pay bills in favour of petitioner, pending hearing and final disposal of instant petition.”

2. Heard learned Advocate for the petitioner. Learned AGP waives notice for all the respondents.

3. Present petition is the outcome of the commercial contract. The petitioner had undertaken the works at Serial Nos.27, 98 and 127 shown in the Civil Budget Estimates 2025-2026 Part-III-appendices, Appendix-D. According to the petitioner, the petitioner has completed the works, yet he has not received the amount. It has been tried to be pointed out that demands have been raised by respondent No.5 with respondent Nos.1 to 3, still the amount in respect of petitioner has not been included in the Government Resolution dated 09.03.2026.

4. Here, it is to be noted that by Government Resolution dated 09.03.2026, the Government has released the funds in respect of certain works. Now, according to the petitioner, the petitioner has completed his work. Certainly, when he has completed the work, *prima facie* he can say that he would be entitled to get the amount as per the agreement/contract. He cannot ask for inclusion of his name in the

Government Resolution dated 09.03.2026, because the State Government will distribute the amount as per the availability. Non inclusion of the name of the petitioner in the said Government Resolution does not mean that his claim has been refused. The petitioner can wait/can make representation and since the demand has been raised, then definitely it will have to be taken to the logical end by the respondents.

5. We do not find this to be a case for exercise of powers under Article 226 of the Constitution of India to give any directions to the respondents. The respondents are doing their work. Only in case of failure on their part, the powers of this Court would be made applicable or would be pressed into service. At this stage, there is no denial to the amount to which the petitioner may be entitled. The petitioner also has the alternative efficacious remedy to approach the Commercial Court under the Commercial Courts Act and also any other mechanism available under the agreement.

6. Hence, the writ petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm