



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

956 WRIT PETITION NO. 5042 OF 2026

Jaideepraj Infrastructure Private LimitedPetitioner

VERSUS

The State of Maharashtra & othersRespondents

Mr. V. D. Salunke, Advocate for the Petitioner.

Mr. S. K. Tambe, Addl. GP for the State.

Mr. S. S. Bora, Advocate for Respondent No. 3.

**CORAM : SMT VIBHA KANKANWADI
& AJIT B. KADETHANKAR, JJ.**

DATE : 5th MAY, 2026.

PER COURT :

1. The present petition challenges the disqualification of the Petitioner in the technical evaluation process dated 22.04.2026 on the alleged ground of blacklisting of the Petitioner.

2. Heard Mr. Salunke, learned Advocate for the Petitioner and Mr. Bora, learned Advocate for Respondent No. 3. No necessity to issue notice to other Respondents.

3. The learned Advocate for the Petitioner submits that the Petitioner is duly registered private limited company engaged in the business of execution of civil work as a Government Contractor since

last 25 years. Respondent No. 2 is a statutory Semi Government agency functioning under the administrative control of Respondent No. 1. It has been constituted to implement and supervise various public welfare schemes relating to water supply projects across the urban as well as rural areas. It is also vested with the authority to grant registration certificate to eligible contractors enabling them to participate and execute the Government work relating to water supply scheme. Respondent No. 2 has issued a registration certificate on 20.09.2023 to the Petitioner thereby renewing the Petitioner's registration from 18.09.2023 to 17.09.2026 in Class I (Civil) category. The Petitioner specifically states that the Petitioner has not been black-listed or debarred by any competent Government at any point of time. Respondent No. 3 had published e-tender for the work of augmentation to the Parbhani Water Supply Scheme under AMRUT 2.0, vide tender dated 12.12.2025. The bidders were required to submit their bids on 05.01.2026 and the technical bids were scheduled to be opened on 07.01.2026. The entire process was governed by the terms and conditions stipulated in the tender document. Petitioner contends that the Petitioner has fulfilled all the eligibility criteria prescribed in the tender document. Learned Advocate for the Petitioner has taken us through all the documents.

The tender document has Clause No. 7(g) regarding disqualification which is as follows :-

7(g) Disqualification :

Even if an applicant meets the eligibility criteria and PQC, he shall be subject to disqualification if he or any of the constituent partners is found to have :

1. made misleading or false representations in the forms, statements, affidavits and attachments submitted in proof of the qualification requirements; and/or;
2. Records of poor performance during the last five years, as on the date of application, such as abandoning the work, rescission of the contract for reasons which are attributable to non-performance of the contractor, inordinate delays in completion, consistent history of litigation resulting in awards against the contractor or any of the constituents, or financial failure due to bankruptcy, and so on. The rescission of a contract of venture JV on account of reason other than non-performance, such as the most experienced partner (major partner) of JV pulling out;
3. On account of currency of debarment by any Government Agency.

* In case of work of erection of High-Tension Installations, main contractor shall have joint venture with the registered Mechanical/Pumping Machinery contractor. Manufacturer representative shall be present during the erection.

According to this condition, self-declaration was given at Annexure 13 by the Petitioner thereby specifically stating that the Petitioner/company is not black-listed by any Government, Semi-Government organisation, any local body and any other private body. Thereafter, when the deficiencies were found, they were communicated by Respondent No. 2 to the Petitioner and the shortfall of the documents is stated to have been removed with explanation. In spite of the said fact, when the bid was opened, the present Petitioner's technical bid was rejected as per the Government Scrutiny Chart. The status was updated at 6.33 pm on 22.04.2026. In the Technical Scrutiny Chart, it has been stated that the Petitioner has been black-listed by Vasai-Virar Municipal Corporation. Learned Advocate for the Petitioner then pointed out communication dated 05.08.2021 by Vasai-Virar Municipal Corporation to the Petitioner wherein it was stated that the Petitioner has been restrained from taking work of the said Municipal Corporation and the fact would be informed to Respondent No. 2 for black-listing the Petitioner. The said process of black-listing Petitioner never took place but Respondent No. 2 has rather renewed the registration of the Petitioner in 2023.

4. By way of additional affidavit, the Petitioner has produced on record photocopy of the order passed by the Apex Court and submits that the decision of Vasai-Virar Municipal Corporation was challenged before this Court at the Principal Seat by way of Writ Petition No. 13013/2024 and, by judgment and order dated 24.09.2024, the said petition came to be dismissed. The Petitioner, thereafter, went to the Supreme Court by filing Special Leave Petition (Civil) Diary No(s). 46409/2024 and by order dated 22.09.2025 the delay was condoned. However, the Hon'ble Apex Court expressed that they do not find any ground to interfere with the impugned order passed by the High Court on merit except to the extent pertaining to the unlimited period of black-listing. The Petitioner was then directed to make a representation within a period of four weeks from the date of the order to the Respondent and the Respondent/Municipal Corporation was directed to consider the said representation and take decision within further period of four weeks. The Petitioner was never black-listed and therefore, the decision taken by rejecting the technical bid of the Petitioner by Respondent No. 3 is erroneous. No opportunity was given to the Petitioner to explain all these circumstances and therefore, interference is required.

5. Learned Advocate for Respondent No. 3 submits that since the matter to be considered is only on the basis of Technical Scrutiny Chart which mentions that the Petitioner was black-listed by Vasai-Virar Municipal Corporation and the disqualification clause which infact shows that even if any applicant or tenderer meets the eligibility criteria still he can be disqualified when it comes to the debarment, Respondent No. 3 had made a communication to Vasai-Virar Municipal Corporation and got details about the Petitioner. Thereupon, on 01.04.2026, the communication was received by Respondent No. 3. Learned Advocate for Respondent No. 3 has placed on record photocopy of the said communication. It is taken on record by marking Exhibit X. It has been then stated about the litigation that was carried on by the Petitioner before this Court as well as before the Hon'ble Apex Court. Infact, the Petitioner had not disclosed about the said litigation in self-declaration form. In Exhibit X it has been then stated that in view of the observations of the Hon'ble Apex Court, Vasai-Virar Municipal Corporation has taken a decision on 15.12.2025 to restrain the Petitioner from giving work for next 10 years starting from 05.08.2021.

6. Here it is to be noted that the Petitioner appears to have not disclosed the litigation between the Petitioner and Vasai-Virar Municipal Corporation in the self-declaration form. However, the technical bid of the Petitioner has not been rejected on that ground. It has been rejected on the ground that the Petitioner has been black-listed by Vasai-Virar Municipal Corporation. When Respondent No. 3 had received the communication from the said Municipal Corporation on 01.04.2026, an opportunity ought to have been given to the Petitioner to explain all the facts. The principles of natural justice ought to have been observed as they appear to have been observed in the past before the technical bid was rejected.

7. The learned Advocate for Respondent No. 3 thereupon submits that if the Petitioner appears before the Municipal Corporation tomorrow with adequate representation or application then the Petitioner would be heard on the point and decision would be taken by Friday i.e. 08.05.2026. The said statement is taken as undertaking. We are also of the opinion that one chance ought to have been given to the Petitioner and therefore, we dispose of the writ petition by directing the Petitioner to appear before Respondent No. 3 tomorrow i.e. 06.05.2026 between 11.00 am to 1.00 pm along with

the requisite documents and the application. Thereupon, Respondent No. 3 to take decision on the said application on or before 08.05.2026 and communicate the said decision to the Petitioner as early as possible.

8. Parties to act upon the authenticated copy of the order.

(AJIT B. KADETHANKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

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