



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4110 OF 2026
IN
CIVIL APPLICATION NO. 3107 OF 2025
WITH
PUBLIC INTEREST LITIGATION NO. 36 OF 2023

Chief Executive Officer, Zilla Parishad Nandurbar ..Applicant

VERSUS

The State of Maharashtra Through its
Chief Secretary & Others ...Respondents

Mr. Pravin S. Patil, Advocate for applicant
Mr. S.R. Wakle, AGP for State
Mr. D.S. Bagul, Advocate for respondent No. 6

**CORAM : NITIN B. SURYAWANSHI AND
Y.G. KHOBRADE, JJ.**

DATE : 22nd APRIL, 2026

ORDER :

1. This Court directed seizure of running account bills of the Zilla Parishad by respondent No. 5-Collector. By filing Civil Application No. 3107 of 2025, applicant- Zilla Parishad sought seeking of the running account bills to be returned for accounting purposes.

By order dated 28.03.2025, the application was allowed on following terms:

"3. Considering the issue regarding the allegations and the purpose of directing the running account bills to be seized by the respondent no. 5- Collector, we

dispose of the application directing respondent no. 5-Collector to issue certified photo copies of all the running bills, which he has seized, to the applicant-Zilla Parishad. We further permit the Zilla Parishad to use these certified copies of the running account bills for the accounting purpose and the auditor shall be taken into consideration these directions."

2. Present application is filed by the applicant-Zilla Parishad seeking modification and/or clarification of the order dated 28.03.2025 to the extent of permitting respondent No. 5/Collector, Nandubar and the applicant to process and release running account (RA) bills and payment of final bills in respect of the works found to be regular as per the inspection report.
3. Heard learned advocate for the applicant, learned AGP for State and learned advocate for respondent No. 6. Perused the documents place on record.
4. Learned advocate for respondent No. 6 has strenuously opposed the application contending that vide order dated 09.08.2024 passed in Civil Application No. 3300 of 2024 similar request made by the contractors is rejected by this Court. Therefore, according to him, the prayer of the applicant is not liable to be allowed. Though, he claimed that Public Works Department has already paid these bills, in support of said submission nothing is placed on record.

5. It is a matter of record that Civil Application No. 3300 of 2024 appears to have been filed by the Contractors who sought to intervene in the Public Interest Litigation and they sought recovery of their bills. This Court rejected the civil applications filed by the contractors by observing as follows:

"1. All these Applicants are Contractors. The Public Interest Litigation is filed in public interest, which is being entertained for the last more than a year. The Application for seeking recovery of their bills, cannot be entertained in this Public Interest Litigation, inasmuch as, this Court cannot become a recovery agent for the Contractors. They are at liberty to file recovery suits before the Civil Court, if otherwise permissible in law. So also, their intervention is not required as they are not here before us to render any assistance in the Public Interest Litigation, but, for their personal gains.

2. This Civil Application is, therefore, rejected."

6. It is thus clear that contractors who were not party to the Public Interest Litigation sought recovery of their bills by filing civil application, which is rejected. That does not mean that Zilla Parishad should not process regular account bills, which are found regular as per the inspection report.

7. In the light of above and for the reasons stated in the application, the same is allowed in terms of prayer clause 'B', which is

as follows:

"B. This Hon'ble Court may be pleased to modify and/or clarify the order dated 28.03.2025 passed in Civil Application No. 3107 of 2025 in Public Interest Litigation No. 36 of 2023, to the extent of permitting Respondent No. 5 Collector, Nandurbar, and the present Applicant Zilla Parishad, to release and process the Running Account (RA) bills and payment of final bills in respect of the works found to be regular as per the inspection report."

(Y.G. KHOBRAGADE, J.)

(NITIN B. SURYAWANSHI, J.)