



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH : NAGPUR.**

**WRIT PETITION NO. 5428 of 2025**

Rajrajeshwar Construction, having its office at  
Utsav Sankul, Gandhi Chowk, Akola through its  
Proprietor-Pradeep P. Deshmukh

**..Petitioner**

Versus

State of Maharashtra,  
through its Principal Secretary, Public Works  
Department, Mantralaya, Mumbai and **6 others.**

**..Respondents**

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Shri C. S. Kaptan, Senior Advocate a/b S/Shri C. S. Dharmadhikari, Gaurang  
Bhake and Raghav Bhandakkar, Advocates for petitioner.  
Shri D. V. Chauhan, Senior Advocate/Government Pleader a/b Shri N. S.  
Rao, Assistant Government Pleader for respondents/State.  
Shri Akshay A. Naik, Senior Advocate a/b Shri A. N. Sambre, Advocate for  
respondent nos. 5 and 6.  
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**CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.**

**DATE :- 17<sup>th</sup> APRIL, 2026.**

**P C.**

Heard Shri C. S. Kaptan, learned Senior Advocate a/b Shri C. S. Dharmadhikari, learned Advocate for the petitioner, Shri D. V. Chauhan, learned Senior Advocate/Government Pleader a/b Shri N. S. Rao, learned Assistant Government Pleader for the respondents/State and Shri Akshay A. Naik, learned Senior Advocate a/b Shri A. N. Sambre, learned Advocate for the respondent nos. 5 and 6.

2. The petitioner, which is a proprietary concern, engaged in the work of Construction and Infrastructure development, participated in the Tender Process of Construction of Administrative Building 'Van Bhavan' for Forest Department. In the said Tender process the petitioner was disqualified on the ground of violation of Section III of the Integrity Pact.

Section III of the Integrity Pact says; if the bidder, before contract award, has committed a serious transgression through a violation of Section

II or in any other form such as to put his reliability or credibility as Bidder into question, Public Works Department may disqualify the bidder from tender process or terminate the contract, if already signed, for such reason.

3. The reason given by the respondents for the petitioner's disqualification is that the petitioner has committed a serious transgression. The letter issued by the Commissioner, Municipal Corporation, dated 25.07.2025 is the basis for disqualification, wherein the Commissioner informed that in various works allotted to the petitioner, the petitioner failed to carry out such works as per the terms and conditions of the respective tenders.

4. It is to be noted that Section III of the Integrity Pact refers Disqualification from tender process and exclusion from future contracts.

Section III refers to transgression through a violation of Section II or any other form throughout the tender process right from the stage of downloading the tender document, through submission of bids, evaluation and if awarded, till the execution and completion of the contract.

Section V is relating to Previous Transgression which says that the bidder shall declare in his bid that no previous transgressions occurred in the last 3 years with any Public Sector Undertaking or Government Department that could justify his exclusion from the tender process.

5. Shri Chauhan, learned Senior Advocate/Government Pleader appearing for the respondents/State tried to justify the action of disqualification of the petitioner by relying upon Sections III and V of the Integrity Pact. It is submitted that the letter issued by the Municipal Corporation dated 17.07.2025 is in relation to previous transgression and, further, as the petitioner failed to submit declaration as per Section V of the Integrity Pact, to the effect that no previous transgression was occurred in the last three years with any Public Sector Undertaking or Government Department, the disqualification of the petitioner is justifiable.

6. On the other hand, Shri Kaptan, learned Senior Advocate appearing for the petitioner, strongly opposed the aforesaid submissions and submits that the Municipal Corporation is not a Public Sector Undertaking or the Government Department but it is a Local Authority and therefore, the respondents ought not to have acted upon the letter issued by the Municipal Corporation dated 17.07.2025 for the purpose of considering whether there is any previous transgression or not. It is submitted that such letter was issued after three months of the submission of the tender by the petitioner on 23.05.2025, which shows malafide intention to disqualify the petitioner.

7. It is further submitted that there is a recommendation made by the Municipal Commissioner to blacklist the petitioner. It is argued that the Municipal Corporation cannot dictate the Public Works Department or any other Government Department to blacklist the petitioner for any alleged default committed by the petitioner in relation with the works of the Municipal Corporation.

8. Shri Kaptan, learned Senior Advocate, further submits that the petitioner presently is more concerned that the petitioner should not be disqualified/debarred from the future tenders of the Public Works Department relying on letter dated 17.07.2025.

9. Shri Chauhan, learned Senior Advocate/Government Pleader, in reply states that in the affidavit filed by the Public Works Department dated 15.04.2026, it has categorically mentioned/stated that the Public Works Department is not going to act on the recommendation of the Municipal Commissioner to blacklist the petitioner. It is further pointed out that the Public Works Department will not debar the petitioner from participating in future tenders or contracts on the basis of alleged defaults committed by the petitioner in relation to Municipal Corporation work mentioned in letter dated 17.07.2025. However, he submits that the work mentioned in the said letter at serial no.1 is relating to Public Works Department, which can be taken into consideration in future also, as per Integrity Pact.

10. It is therefore submitted that the purpose of the petitioner suffice since these two statements made on affidavit take care of the grievance raised by the petitioner in the petition.

11. As such, we are of the opinion that the grievance of the petitioner does not survive.

12. However, as regards the directions sought by the petitioner to the effect that the respondent-Public Works Department shall not rely upon the letter dated 17.07.2025 to disqualify the petitioner in future tender process, it is evident from Section V of the Integrity Pact-Previous Transgression, which relates serious transgression in the work of Public Sector Undertaking or Government Department.

13. Since the Municipal Corporation is a Local Authority does not fall within the category of Public Sector Undertaking or Government Department, we are of the opinion that the respondent-Public Works Department cannot take into consideration any letter issued by the Municipal Corporation about any default committed by the petitioner in relation to the works related to the Municipal Corporation for the purpose of previous transgression. However, such letter can be considered to the extent any work relating to the Public Works Department or executed through Public Works Department.

14. With these clarifications, we are of the opinion that nothing survives for adjudication in this petition. Accordingly, it is disposed of. No order as to costs.

( RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

*Andurkar.*