

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 895 OF 2015

06-10-2015

Between:

M/s. Merion Infra Projects Pvt. Ltd., 2-3-602/17, Phase-II, Sai Nagar, Nagole,
Hyderabad – 500068, rep., by its Managing Director, Mr. B. Jagga Reddy

... Appellant

And

Krishna Constructions, Flat No.42, Mouli Towers, Chandramouli Puram, Vijayawada
– 520010, rep., by its Managing Partner C. Krishna Murthy and others

... Respondents

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This writ appeal is directed against the order dated 03-09-2015 whereby Writ Petition No.20432 of 2014 filed by respondent No.1 challenging the order issued by Engineer-in-Chief, Panchayat Raj, Hyderabad (respondent No.2) directing the Tender Committee to consider respondent No.1's financial bid has been allowed.

The appellant and respondent No.1 had participated in the tender process initiated through e-procurement tender notification dated 24-02-2014 for laying MRL-Road from Nandamur to Lankapalli in Ungutur Mandal – Package No.AP09131406. The appellant's technical bid was rejected on the ground that he did not fulfil the condition to have hot mix plant within 70 KMs radius of the site of work. It is not in dispute that the appellant did not have such hot mix plant within 70KMs radius of the site of work. According to the appellant, since he is having hot mix plant, though not within 70 KMs radius of the site, he had given undertaking that if the work is allotted to him, he would shift the hot mix plant within 70 KMs radius from the site. This contention was not accepted and his technical bid was rejected. Respondent No.2, however, vide order dated 11-07-2014 directed the Tender Committee to consider the financial bid of the appellant to encourage fair competition. This order of respondent No.2 came to be challenged by respondent No.1 – writ petitioner.

We have perused the impugned order and we find that the learned single Judge has considered the matter in proper perspective and has rightly allowed the same setting aside the direction issued by respondent No.2. We are informed that after the impugned order, the concerned authorities have already awarded the work to respondent No.1. Learned counsel appearing for respondent No.1 submits that respondent No.1 has already commenced work.

Keeping that in view and considering that the appellant did not fulfil the condition prescribed in the tender document, we are not inclined to interfere with the

order passed by the learned single Judge.

Hence, the writ appeal is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

06-10-2015

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