

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No. 48 of 2015

Date: 29.01.2015

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Between:

V. Ravindra

... Appellant

And

The State of A.P., rep., by its Principal Secretary to Govt.,
Energy Department, Hyderabad
& others.

... Respondents

This Court made the following:

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

WRIT APPEAL No. 48 of 2015

JUDGMENT: (Per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

The writ petition filed by the writ petitioner-appellant has been dismissed by the learned Trial Judge by order dated 11.06.2014. Aggrieved thereby, the appellant preferred this appeal. His Lordship was pleased to observe that this matter involves disputed questions of fact, and disinclined to grant the relief as prayed for.

We are of the view that when His Lordship was pleased not to retain the writ petition for decision on merit in exercise of discretion, we are not going to substitute our own discretion in the other way simply law does not permit in absence of allegation of perversity or absurdity. However, we add to what His Lordship has been pleased to observe, as follows:

In the event, if the petitioner submits his offer pursuant to the fresh tender process by day after tomorrow in accordance with the stipulations notified by the respondents, then the tender of the petitioner so to be submitted shall be considered along with other participants and will be opened on 04.02.2015 as fixed. In the event, no such fresh tender is submitted in terms of this order within the time as above, our order will stand recalled. In the event, it is done and if it is found that the writ petitioner was found successful in the tender process, obviously, the

respondents shall take steps in accordance with law. It would also be open for the appellant to approach the appropriate civil Court as observed by the learned Trial Judge. To enable him to do so, we grant 15 days time and direct the respondent authority not to take final decision on the tender process till then, in the event, the appellant is not found to be successful. This direction upon respondents may not be construed by the Civil Court to be granting an order of injunction or passing final decision on merit of the petitioner's claim and contention. In the event, the petitioner approaches the civil Court it shall proceed in accordance with law independently and without being swayed and influenced by our decision adjudicate on the merit of the petitioner's case so to be presented.

The appeal is accordingly disposed of.

Pending miscellaneous petitions, if any, shall also stand disposed of. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

Date: 29.01.2015
ES/gbs