

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.40694 OF 2015

DATED:22-12-2015

Between:

Guttikonda Veera Reddy ... Petitioner

And

State of Telangana
Represented by Commissioner
Endowments Department
Tilak Road
Abids, Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: Dr. J. Vijaya Lakshmi

COUNSEL FOR RESPONDENT NOS.1 to 5: G.P. for Endowments

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed to declare the action of respondent Nos.1 to 6 in ordering fresh auction, as illegal and arbitrary.

The brief facts leading to filing of this writ petition are that in pursuance of auction notice dt.16.11.2015 calling for tender-cum-open auction for sale of coconuts within the premises of Sri Matpally Lakshminarasimha Swamy Temple, Matpally, the petitioner has emerged as the highest tenderer-cum-bidder offering a sum of Rs.8,50,000/- (Rupees eight lakhs and fifty thousand only). In addition to the initial deposit, as a pre-condition, the petitioner has deposited a sum of Rs.3,00,000/- (Rupees three lakhs only) on 01.12.2015 towards part bid amount. However, after completion of the bid process on 01.12.2015, respondent No.6 issued a fresh auction-cum-bid notice published in newspapers on 02.12.2015 and that in one of the Telugu Daily Newspapers of Nalgonda District Edition, the reason for issuing the fresh auction notice was published, namely, that the earlier tender process was affected by manipulations. Feeling aggrieved by the issue of the fresh tender notice, the petitioner filed this writ petition.

This Court, by order dt.16.12.2015, while adjourning the case to 22.12.2015 permitted the petitioner to participate in the fresh tender process with a direction to respondent No.6 to place before the Court all the tenders in a sealed cover. Accordingly, today the tenders have been placed along with the bid record, a perusal of which shows that a sum of Rs.18,55,000/- (Rupees eighteen lakhs and fifty five thousand only) has been offered as highest bid by one P. Koteswara Rao. Ms. J. Vijaya Lakshmi, learned counsel for the petitioner, has submitted that though her client was permitted to participate in the auction-cum-bid, he has filed his fresh tender for a sum which he has offered earlier, namely, Rs.8,50,000/- (Rupees eight lakhs and fifty thousand only) and that he has not

participated in the open auction thereafter. From the fact that as against Rs.8,50,000/- (Rupees eight lakhs and fifty thousand only) offered by the petitioner, a sum of Rs.18,55,000/- (Rupees eighteen lakhs and fifty five thousand only) has been received by respondent No.6 from the highest bidder, which is more than twice the amount offered by the petitioner, public interest warrants that the process initiated by respondent No.6 for conducting fresh tender-cum-open auction shall not be interfered with, more so, the earlier bid offered by the petitioner was not confirmed in his favour.

As regards the allegations pertaining to the previous tender process, this Court refrains from rendering any findings thereon. The respondents shall be free to hold an enquiry into the same and take an appropriate action.

Learned counsel for the petitioner submitted that the respondents may be directed to return the amounts paid by her client towards earnest money deposit and other deposits. Learned Government Pleader for Endowments (TS), appearing for respondent Nos.1 to 5, and Mr. Ch. Satish Kumar, learned Standing Counsel for respondent No.6, have fairly agreed for this request. In view of the same, as the petitioner's bid has not been accepted, the respondents are directed to return the amount paid by the petitioner in connection with the first tender-cum-auction proceedings, within one week from the date of receipt of this order.

Subject to the above directions, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. Nos.52541 and 52542 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

22-12-2015

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