

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE No.680 of 2012

ORDER:

This contempt case was instituted alleging willful disobedience to the order dated 30.03.2012 passed by this Court in W.P.No.5946 of 2012. The said writ petition was filed assailing the action of the respondents in not opening the petitioner's price bid which was submitted in response to the tender notification dated 23.01.2012. By the order dated 30.03.2012, this Court allowed the writ petition holding that the action of the respondent authorities in rejecting the petitioner's tender at the threshold was illegal. The respondent authorities were accordingly directed to open the price bid of the petitioner and consider the same along with price bids of the other tenderers in respect of the subject tender notification and thereafter finalize the award of the contract.

The Superintending Engineer, Roads and Buildings Circle, Srikakulam, filed affidavit dated 18.08.2015 stating that the order passed in the writ petition was sought to be tested by way of a review petition and thereafter by way of writ appeals. Owing to the pendency of the writ appeals, the respondent authorities did not confirm the tenders of any of the participants and the contract work was not taken up at all. The Superintending Engineer further stated that owing to the efflux of time, the very calling of the tenders has become redundant.

In the light of the afore-stated developments, it is clear that the State no longer seeks to proceed pursuant to the subject tender notification dated 23.01.2012. It is only in the event of the State proceeding pursuant to the said tender notification that the consideration of the petitioner's price bid would arise in terms of the order passed by this Court. As the subject tender notification dated 23.01.2012 is stated to have become redundant and this Court finds merit in the said statement, no disobedience, much less willful disobedience, is made out warranting exercise of contempt

jurisdiction.

The contempt case is accordingly dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

1st September, 2015
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