

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APEAL No. 497 OF 2015

16-06-2015

Between:

M/s. G. Madhavi Kirana & General Suppliers, Shop No.7-4-60, Jagital, Karimnagar District, rep., by its Proprietrix Smt. G. Madhavi, W/o. Srinivas, aged about 31 years, resident of Jagityal, Karimnagar District

... Appellant

And

The State of Telangana rep., by its Principal Secretary, Revenue (Endowments) Department, Secretariat Buildings, Hyderabad and two others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

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WRIT APEAL No. 497 OF 2015

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

Heard learned counsel for the appellant.

This writ appeal challenges the order dated 05-06-2015 passed by learned single Judge in Writ Petition No.15686 of 2015, whereby he has refused to grant interim stay of the notification dated 03-06-2015. The impugned order reads thus:

“The petitioner participated in the tender notification dated 05.09.2014 for provision of supplies to Kaleswara Mukteeshwara Swamy temple, and he was a successful tenderer. In terms of the tender process the petitioner was undertaking supplies of essential goods to the temple all along. While so, a fresh tender notification was issued calling for fresh tenders concerning the same work, which the petitioner has been executing. Aggrieved thereby this writ petition is instituted.

When the matter is taken up for consideration, learned Standing Counsel for Devasthanam has produced proceedings dated 11.05.2015 cancelling the contract awarded to the petitioner, a copy of which is served on the learned counsel for the petitioner.

Prima-facie, since the contract awarded to the petitioner was already cancelled, it cannot be said that initiation of fresh process for enlistment of new contractor, is vitiated and the tender process cannot be stalled at this stage.

Several contentions are urged by the learned counsel for the petitioner in support of the prayer sought in the writ petition which requires consideration.

Learned Standing counsel requests two weeks from time to file counter.

Post after two (2) weeks in the motion list.

In the meantime, any finalization of tender process shall abide the result of the writ petition and the same shall be informed to the successful tenderer.”

In the course of arguments, we are informed that after cancelling earlier notification dated 09-03-2015, inviting tenders for the very same work, viz., supply of essential goods to the temple, the appellant has been blacklisted and the order blacklisting him is also under challenge in an independent writ petition.

Keeping that in view, we are not inclined to entertain the instant appeal against the interim order. We are informed that the writ petition is yet not admitted

and it was adjourned for two weeks. It is always open to the appellant to persuade the learned single Judge for the order in terms of the prayers in the writ petition, who is seized of the matter, at the time of admission of the writ petition.

With these observations, the writ appeal is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

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DILIP B. BHOSALE, ACJ

S.V. BHATT, J

16-06-2015

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