HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 13366 OF 2015

DATED 9TH JUNE, 2015

BETWEEN

B.Kameswara Rao

….Petitioner

And

The Regional Manager,

AP State Road Transport Corporation,

East Godavari Region, Rajahmundry and ors.

…Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 13366 OF 2015

ORDER:

Heard learned Counsel for the petitioner and learned Standing Counsel for respondents 1 to 3.

This Writ Petition is filed challenging proceedings No.LC/876(146)/2014.RM.EG, dated 10.04.2015 of the first respondent allotting licence for running canteen at Annavaram Bus Station to one K.Srinivasa Varma, fourth respondent herein, who quoted tender at Rs.1,37,500/- in preference to the tender of the petitioner who quoted at Rs.96,669/-. Challenge is also made to Proceedings No. S2/437(146)/2014-RM-EG, dt. 20.04.2014 issued by the first respondent in allotting provisional licence in favour of the fourth respondent.

The learned Counsel for the petitioner submitted that the fourth respondent is not having food licence and he has not produced income-tax returns for the last two completed financial years which are mandatory in the tender proceedings. Pursuant to the said allegations, this Court has called for the original file of awarding tender and noticed that the food licences in favour of both the petitioner as well as the fourth respondent are not available from the original file. However, the learned Counsel for the petitioner submits that the petitioner applied for the food licence and the same was submitted along with the original tender application. Be that as it may, the material papers filed along with the Writ Petition indicate that the food licence granted in favour of the petitioner on 23.01.2010 is valid only upto 31.03.2010. With regard to the income-tax returns filed by the petitioner, it is noticed that though the tender conditions require the tenderer to file copy of the income-tax returns of the last two completed financial years, in the process of awarding tender in respect of 'B' class Bus stations, no documents regarding annual turnover was required. In the circumstances, this Court considered the condition of filing of income-tax returns for the last two completed financial years as 'not an essential condition' and the same can be waived of. One more fact which needs to be noticed in the instant case is that the fourth respondent, who is a successful bidder, quoted highest amount where as the petitioner quoted least amount. The same was weighing with the authorities to consider for award of tender in favour of the fourth respondent.

In view thereof, this Court finds no fault with the process of awarding the tender to the fourth respondent and therefore the Writ Petition is liable to be dismissed.

The Writ Petition is dismissed. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A. RAMALINGESWARA RAO

Dated 9TH JUNE, 2015

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