

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION NO.24734 OF 2015

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ORDER:

The petitioner is a registered contractor with the 1st respondent. The petitioner was awarded the contract of maintenance of Arthaveedu and Mohiddinpuram Sub-stations during the years 2010-15. The petitioner states that there were no complaints against his performance. When the 2nd respondent issued a tender notification on 10-07-2015, he submitted tender along with others in respect of Arthaveedu, Mohiddinpuram, Nagulavaram and Kandulapuram Sub-stations. The petitioner as well as respondents 4 and 5 quoted the same price. The 4th respondent is a Class III registered contractor and he submitted his tender for Arthaveedu Sub-station, whereas the 5th respondent, who is also Class III registered contractor submitted his tender for Mohiddinpuram, Nagulavaram and Kandulapuram Sub-stations. When the work was awarded to the 5th respondent in respect of Mohiddinpuram, Nagulavaram and Kandulapuram Sub-stations, the present writ petition is filed.

2. Learned counsel appearing for the petitioner submits that though the petitioner quoted the same price as that of the 5th respondent, but bid of the 5th respondent was arbitrarily accepted.

3. On the other hand, learned standing counsel for the respondents 1 to 3 submits that there were complaints against the petitioner with regard to payment of wages and hence, the petitioner was not preferred while awarding work though he quoted the same price.

4. This Court called for the copies of the complaints made against the petitioner in order to verify whether the said ground was pressed before this Court only for denying the tender of the petitioner. Learned standing counsel for the respondents 1 to 3 produced the copies of the complaints made against the petitioner before this Court. In this connection, it is to be seen Clause 52 of the tender conditions, reads thus:

“If all the contractors quote the same rates, preference will be given to the contractor having good performance in Sub-station maintenance.”

A bare reading of the above clause makes it clear that if all the contractors quote the same rates, preference will be given to the contractor, who is having good performance in Sub-station maintenance. In view of the complaints made against the petitioner, the action of the respondents 1 to 3 in awarding work to the 5th respondent cannot be found fault.

5. Accordingly, the writ petition is dismissed at the stage of admission. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 14-10-2015

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