

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1170 of 2014

Dated : 27.02.2015

Between:

P. Ashok Kumar S/o.P.Ramulu,
Aged about 52 yrs, Occu : Business,
R/o.H.No.6-6-12/A, Saibaba Nagar, Katedan,
Ranga Reddy District.

.. Petitioner

And

Shailendra Sharma,
Chief Engineer,
The Union of India, Central Public Works Department,
South Zone-II, CPWD,
1st floor, Nirman Bhavan, Kothi, Hyderabad & 2 others.

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

At the stage of admission in W.P.No.38054 of 2013, this Court passed the following interim order :

“That the respondents can process the tender forms, but not to finalize and award the tender till the next date of hearing”.

2. The said order was extended from time to time and was in force till 31.07.2014. Alleging that on 02.07.2014 a letter was addressed to the counsel on record on behalf of the Central Public Works Department, informing that the work which was required to be executed was withdrawn by the client department i.e., MANUU and therefore, the Chief Engineer, South Zone-II, CPWD, Hyderabad, has cancelled the 3rd call of the tender.

3. Learned counsel for the petitioner contends that the very fact of withdrawing the 3rd stage of tender is violative of the orders of this Court and thereby the respondents have committed contempt of the orders of this Court. He further contended that the factum of withdrawing the tender process itself was intended to defeat the claim of the petitioner in the writ petition and deliberately done in order to deprive the rights of the petitioner.

4. The issue for consideration in this case is only regarding violation of the court orders and the issue as contended by the learned counsel cannot be gone into in this case and it is left open to him to urge in the writ petition.

5. As seen from the interim order passed by this Court, the direction issued was not to finalize and award the tender till the next date of hearing. The direction *per se* does not prohibit the respondents from withdrawing the tender process for any other reason.

6. Whether such withdrawal was validly made or for extraneous reasons can be gone into the writ petition. I do not see violation of the orders passed by this Court warranting initiation of contempt proceedings against the respondents.

7. Having regard to the above, the contempt case is closed. There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this Contempt Case shall stand closed.

P.NAVEEN RAO,J

27th February, 2015
Rds

