

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P .No. 17926 of 2015

Between:-

M/s. Sri Sai Constructions, V. Venkateshwer Rao, S/o. Matta Rao,
Managing Partner, R/o. Saidabad, Hyderabad. Telangana. State.

.....Petitioner

AND

- 1 The State of Telangana, Rep. by its Principal Secretary,
Panchayatraj Department, Hyderabad. Telangana State.
- 2 The Chief Engineer, Panchayatraj, Hyderabad, Telangana State.
- 3 The Superintending Engineer, Panchayatraj, Nalgonda Circle, At
Nalgonda, Telangana State.
- 4 M/s. Merlon Infra Projects Pvt. Ltd., Rep. by its Managing Partner,
Sri.B.Jagga Reddy, Door No. 2-3-602/17, Phase-II, Sainagar,
Nagole, Hyderabad, Telangana State.

.....Respondents.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondent Nos. 2 & 3 herein by opening the bids in not disqualifying the 4th respondent herein in participating in the Tender (NIT) Notice, dt.29-01-2015 issued by the 2nd respondent herein for the works 1). R/F Nampally-Gurrapode PWD Road to Mellavai via Gatlamallepally (NIT No. 722) and 2). R/F Mahammadapur to Gatlamallepally (NIT No. 723) Nampally Mandal, Nalgonda District is bad, arbitrary, illegal, unjust and unreasonable and consequently direct the respondents not to enter any agreement with the 4th respondent for entrustment of in, concerned with the above said works by disqualifying the 4th respondent herein in participating the above said tender.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and the orders of the High Court, dated 22.06.2015 & 20.08.2015 made herein, and upon hearing the arguments of SRI P.VENKATESWER RAO, Advocate for the Petitioner and the Govt. Pleader for Panchayat Raj and Rural Development (TG) on behalf of respondent Nos. 1 to 3, the Court made the following

ORDER :-

The Superintending Engineer, Panchayat Raj, Nalgonda Circle, Nalgonda (3rd respondent) is present, as directed, along with the records.

The records *prima facie* show that even though the tender conditions are violated, the 4th respondent's tender was accepted, which is *ex facie* illegal.

The records, which are produced, are returned.

The appearance of the 3rd respondent is dispensed with.

Post after two (2) weeks in the Motion List.

The learned counsel for the petitioner is also permitted to take out personal notice on the 4th respondent by Registered Post Acknowledgement Due and file proof of service.

**ASSISTANT REGISTRAR
//TRUE COPY//**

for ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Panchayatraj Department, State of Telangana, Hyderabad. Telangana State.**
- 2 The Chief Engineer, Panchayatraj, Hyderabad, Telangana State.**
- 3 The Superintending Engineer, Panchayatraj, Nalgonda Circle, At Nalgonda, Telangana State.**
- 4 Sri B. Jagga Reddy, Managing Partner, M/s. Merlon Infra Projects Pvt. Ltd., Door No. 2-3-602/17, Phase -II, Sainagar, Nagole, Hyderabad, Telangana State.(1 to 4 by RPAD)**
- 5 Two CCs to the G.P. for Panchayat Raj and Rural Development (TG), High Court at Hyd.(OUT)**
- 6 One CC to Sri P. Venkateshwer Rao, Advocate(OPUC)**
- 7 One spare copy.**

SRL

HIGH COURT

PNR.J

DT.31.08.2015.

NOTE: POST AFTER TWO (2) WEEKS IN THE MOTION LIST

ORDER

W.P.No. 17926 of 2015.

DIRECTION

DRAFTED BY: SRL
Drafted on: 01.09.2015

HIGH COURT

PNR.J

DT.31.08.2015.

NOTE: POST AFTER TWO (2) WEEKS IN THE MOTION LIST

ORDER

W.P.No. 17926 of 2015.

DIRECTION