

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.5237 of 2015

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ORDER:

Heard learned counsel appearing for the petitioners and the learned Government Pleader appearing for Respondent Nos.1 and 2.

2. This writ petition is filed declaring the action of the respondents in issuing the tender Notification No.PDS2/Movt./FG5(1)/Stage-I Tenders/2015-16/TS dt. 28.02.2015, as illegal and arbitrary.

3. The case of the petitioners is that they are the existing transport contractors of the respondent - Corporation, and their term expires on 31.03.2015. The respondent-Corporation has called for tenders for Stage-I contract for the State of Telangana on 09.02.2015. The petitioners have filed WP No.3271 of 2015 challenging the earlier notification dated 09.02.2015. The petitioners have represented to the Corporation that they are the contractors under Unified Transport Contract for Warangal District and requested to consider for extension of year i.e., up 31.02.2016 on the same rates and conditions. This Court by order dated 16.02.2015 directed the Corporation to consider the representation of the petitioners and continue their contract under United Transport System before finalization of tender process for the year 2015-16. The Respondent-Corporation did not consider the representation of the petitioners as directed by this Court. The Corporation has opened the technical and financial bid for Warangal District and the lowest tenderer among the participants quoted 14.28% higher rate at which the petitioners are transporting the commodities presently. The Corporation has cancelled the earlier tender notification dated 09.02.2015 and again called the tenders vide Notification dated 28.02.2015 for appointment of Stage-I Transport Contractors for Warangal District. The petitioners, who are the contractors of various

divisions in Warangal District, have submitted a representation dated 28.02.2015 to the 1st respondent to extend their contract period on the same rates, terms and conditions for further period of one year, as was done during the contract period 2009-2010. According to the petitioners, if once again the respondent - Corporation resorts to appoint transport contractors, under Stage-I system, the petitioners will be put to hardship. Therefore, the petitioners filed the present writ petition to consider their representation before finalizing the tender for the year 2015-16.

4. Having heard the learned counsel on either side and having regard to the facts and circumstances, the respondents are directed to consider the representation of the petitioners dated 28.02.2015 and continue them under Unified Transport System before finalizing the tender process for the year 2015-16.

5. The writ petition is accordingly disposed of. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

R.KANTHA RAO, J

Date: 03.03.2015
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HON'BLE SRI JUSTICE R.KANTHA RAO

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Date: 03.03.2015

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