

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.15416 of 2015

ORDER:

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

The sole proprietor of the petitioner claims to be belonging to ST community. He completed nearly ten contract works individually in his name at SPDCL Guntur, as a contractor. Thereafter, he was executing contract works in the name and style of Pavan Electricals and Contractors. He is now A-1 grade contractor, as his application was accepted by the Electrical Department.

The first respondent issued online notification inviting sealed tenders from the contractors belonging to SC and ST communities, who are having A-Grade licence to carryout operation and maintenance including watch and ward, housekeeping and gardening, MRT assistance etc. A notification was uploaded on 31.03.2015 along with another notification for other works. The petitioner submitted its sealed tender along with 5% security deposit of the works. The tender was submitted within time. The petitioner came to know that the first respondent issued an amendment to the tender notification on 13.04.2015 throwing upon the contracts to other communities also. Challenging the said amendment on 13.04.2015, the present Writ Petition is filed.

Learned Standing Counsel for the respondents submits that the O&M manning tenders pertaining to OMC circle Guntur were uploaded on 25.08.2014 and the last date for receipt of tenders was indicated as 23.09.2014. But, the said time was extended from time to time six times and the tenders were ultimately opened on 16.03.2015. It was noticed that no bids were received for both 132KV and 220KV manning works in the OMC circle Guntur. Again tenders were uploaded on 31.03.2015 with same specification of 16 and 17 renumbering it as specification Nos.42 and 43 duly cancelling the specification Nos.16 and

17. Thereafter, oral message was received from headquarters to give amendment to specification Nos.42 and 43 as the tenders were to be called under open category. Accordingly, the amendment was made and uploaded on 13.04.2015. Thereafter, proper bids were received from four tenderers for specification No.42 and another four tenders for specification No.43. The petitioner did not enclose any supporting documents of financial turnover as per clause No.6, which states that the bidder should have the financial turnover of at least 50% of estimated contract value of bid for the two years out of last three years for similar activity in power sector anywhere in the country. Thus, though the petitioner participated in the tender, the same was not found to be complying with the specification.

Now it is clear from the above facts that the petitioner submitted its tender under ST category, but did not enclose any supporting documents of financial turnover as stipulated in clause No.6, and hence the tender was rejected. The petitioner having participated in the tender process and after becoming unsuccessful, cannot challenge the amendment dated 13.04.2015. In the circumstances, this Court sees no reason to interfere with the Writ Petition.

The Writ Petition is accordingly dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

10.06.2015

vs

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