

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

WRIT PETITION No. 24619 of 2015

BETWEEN

M/s. Sri Gayatri Transport,
Rep. by its Prop.L.Surendar Rao

...Petitioner

And

Union of India,
Rep. by its Secretary, Coal and Mines,
Shastri Bhavan, New Delhi and ors

...Respondents.

DATE OF JUDGMENT PRONOUNCED: 12.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments? YES/NO

2. Whether the copies of judgments may be
marked to Law Reporters/Journals. YES/NO

3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment ? YES/NO.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 24619 of 2015

ORDER:

Heard learned Counsel on either side.

The petitioner is engaged in the business of transportation and coal loading for the last ten years. It has its own equipment i.e. loaders, tippers and dumpers. The second respondent issued a tender notice on 6.7.2015 inviting tenders for loading coal at Yellandu railway yard to railway wagons. The last date for submission of tenders was at 12.00 noon of 15.7.2015 and opening of

tenders was at 3.30 PM of the same date. The said tender was in three parts, i.e. Part A, Part B and Part C. Pursuant to the said tender notification, the petitioner submitted its tender consisting of Part A, Part B and Part C in sealed covers. The tenders were to be opened on 15.7.2015, however covers containing Part A and Part B were not opened on the said date; but the second respondent declared all tenderers as eligible in Part A and Part B after one week of the schedule date. Thereafter the second respondent opened the price bid and declared the fourth respondent as successful tenderer. Later on the petitioner came to know that the fourth respondent does not have the requisite qualifications for technical bid i.e. Part A and Part B. The petitioner submits that the fourth respondent did not fulfill the eligibility criteria as per Clause 1.11 and also Clauses 1.2(a) and 1.2(b) of the tender conditions. Pursuant to the same, the petitioner submitted a representation on 1.8.2015 to the third respondent bringing to his notice of the same and when the third respondent did not consider the same, the present Writ Petition is filed.

This Court while considering the matter for admission on 6.8.2015, directed the learned Standing Counsel for the respondents 2 and 3 to produce the record and further directed not to enter into agreement with the fourth respondent while posting the matter to 12.08.2015. To day when the case is called, learned Standing Counsel produced the record and submitted that the fourth respondent fulfilled the requisite eligibility criteria as laid down in Clauses 1.2(a) and 1.11 of the tender conditions.

Clause 1.2(a) of the tender conditions deals with the equipment/vehicles owned by the tenderer and total requirement of equipments was mentioned as four. The fourth respondent submitted that he owned four vehicles.

Clause 1.11 of the tender conditions, which indicates eligibility criteria, reads as follows:

“ 1.11 ELIGIBILITY CRITERIA:

The Tenderer should have experience in the works of loading of coal/any mineral/soil/ash/stone/rejects by pay

loaders/Excavators in to railway wagons/tippers/trucks. Tenders should have experience in executing the similar type of works in India or Abroad for Government/Public Sector undertakings or Private Sector. The value of work handled per annum shall not be less than Rs.1.00 crore (Rupees one crore). The bidder shall enclose required documentary evidence for the works carried out in any one year during the preceding 5 years”.

The fourth respondent produced a copy of the work order dated 12.6.2014 issued by the second respondent, evidencing transportation of 50,00,000 Tonnes of coal from D Block CHP of JK 5 OC to main CHP Yellandu with a lead distance of 4.60 KM for a period of two years from the date of commencement.

In view of the fulfillment of the above conditions, the grounds raised by the petitioner are untenable and do not deserve any consideration.

The Writ Petition is therefore liable to be dismissed and the same is accordingly dismissed.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 12th August, 2015.

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