

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28489 OF 2012

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in insisting the petitioners to pay EMD for the Civil Contract Works notified in 'e-procurement' tender notice dated 23.08.2012 issued by the 1st respondent as illegal and arbitrary and contrary to the G.Os issued by the Government of Andhra Pradesh from time to time and for a consequential direction to the 1st respondent not to insist the petitioner for payment of EMD in respect of the said works.

This Court on 11.09.2012 granted interim orders which reads as follows;

"Therefore, in respect of the tenders to be submitted by the petitioners in pursuance of the e-procurement tender notice dated 23.08.2012, the 1st respondent shall duly consider the entitlement of the petitioners to the protection of G.O.Ms.No.475 MA, dated 28.08.1989 followed by further Government Orders and Memos for being exempted from payment of the earnest money deposit and if they are so entitled, their tenders be received without insistence on such earnest money deposit."

The 1st respondent filed counter stating that in pursuance of the interim orders passed by this Court on 11.09.2012, petitioners' case was considered and endorsement dated 04.10.2012 was issued rejecting the petitioners' tenders for want of EMD in view of the conditions stipulated in the tender notice which is issued strictly in accordance with G.O.Ms.No.475, dated 28.08.2012.

In this case since the tender notification is of the year 2012

and the 1st respondent stated that the petitioners' tenders were considered and rejected by following the directions issued by this Court on 11.09.2012, nothing survives in the writ petition for adjudication.

Accordingly, the writ petition is dismissed. However, it is open for the petitioners to challenge the endorsement dated 04.10.2012, as per law. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending shall stand closed.

A.RAJASHEKER REDDY, J

17.08.2015
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