

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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WRIT PETITION No.15300 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner is a contractor. He became successful tenderer in respect of work viz. Earthwork Excavation of Tamara tank supply channel, kethavaram, supply channel and G.Pangidigudem supply channel under extension of Left main canal of Yerracalava reservoir project. The agreement was entered into on 11.07.2004. The petitioner is said to have received some amount in pursuance of the agreement for the work executed by him. While so, the petitioner submitted a representation dated 04.03.2014 to the third respondent requesting to enhance the rate fixed way-back in the year 2004. The third respondent had addressed a letter to the second respondent requesting for enhancement of rate but the fourth respondent instead of enhancing the rate, as recommended by the third respondent, issued a letter dated 30.04.2015 asking to resume the balance work and complete on or before 31.07.2015. The third respondent also issued a fresh tender notification dated 18.05.2015 in respect of the balance work which was published vide Andhra Jyothi Telugu Newspaper on 22.05.2015. Challenging the same, the present Writ Petition is filed.

At the time of taking up the Writ Petition for admission, learned standing counsel for respondent produced before this Court a copy of the proceedings No.SE/IC/Elr/DB/ATO.6/F-KKYR/2015-16 dated 12.05.2015 issued by the Superintending Engineer, Irrigation Circle, Eluru closing the work under clause 58 read with 59 of APDSS and the Executive Engineer was requested to take action.

When the said letter was produced before this Court on 02.06.2015, learned counsel for the petitioner sought time for taking instructions in the

matter.

Learned counsel for the petitioner now submits that his client has not received the said letter and he is under the impression that his work was extended till 31.07.2015 and he is entitled to continue the work.

But, in view of the circumstances stated above, the petitioner cannot challenge the tender notification issued on 18.05.2015. However, it is open to the petitioner to take appropriate remedies, if he is so advised, pursuant to closure of the contract by the competent authority.

The Writ Petition is, accordingly, dismissed.

As a sequel thereto, miscellaneous applications, if any, also stand dismissed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:08.06.2015

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