

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.38943 of 2015

Dated 01.12.2015

Between:

B.Gopal

... Petitioner

and

-
State of Telangana
rep. by its Prl.Secretary
Panchayat Raj & Rural Development Dept.,
Hyderabad and 2 others.

...Respondents

Counsel for the petitioner: Mr.V.Ravi Kiran Rao

**Counsel for the respondents: AGP for Panchayat Raj
(TS)**

The Court made the following:

Order:

In response to the tenders issued for e-procurement platform *vide* IFB.No.98/CE/2015-16, dated 17-10-2015, the petitioner is stated to have submitted his tenders for the following three works:

1. Construction of Bridge on Road
 from SH1 @ 338/800 to Rajulaguda,
 Wankidi Mandal, Adilabad District.
2. Construction of Bridge on Road

from VVP Road to Yellaram, Asifabad
Mandal, Adilabad District.

3. Construction of Bridge on Road
from PR Road at 8/300 km to
Ringaguda, Asifabad Mandal,
Adilabad District.

The petitioner pleaded that besides him, one Amarbin Ahmed has also quoted for all the three works and has emerged as the lowest bidder in respect of all those works. It is the further plea of the petitioner that in respect of item No.3, the rates quoted by him are similar to that quoted by the said Amarbin Ahmed and consequently, both of them are the lowest tenderers. The petitioner pleaded that the tender conditions do not envisage the procedure to be followed in case the rates quoted by more than one tenderer are same. He has also pleaded that since Amarbin Ahmed, being the lowest tenderer, will be awarded the works under items 1 and 2, it would be equitable for respondent No.2 to award the work under item No.3 to himself.

Admittedly, no decision has been taken by respondent No.2 so far. In the absence of any method prescribed for deciding as to in whose

favour the contract should be awarded in case the rates quoted by two or more tenderers are same, no direction can be issued to the authorities concerned to act in a particular way. However, respondent No.2 shall keep in mind the equitable considerations while taking a decision on the allotment of work falling under item No.3.

Subject to the above observations, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.50189 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 1st December, 2015
LUR