

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION Nos.29495 & 31758 of 2014

ORDER:

These two Writ Petitions are being disposed of by this common order in view of the relief sought in both the cases. Learned counsel for the petitioner as well as learned Government Pleader consented to dispose of these cases.

2. W.P.No.29495 of 2014 was filed challenging the action of the third respondent in canceling the bids and calling for fresh tenders, while W.P.No.31758 of 2014 was filed challenging the inaction of the respondents in not considering the bill submitted by the petitioner on 30.07.2014.

3. This Court, in W.P.No.29495 of 2014, by order dated 17.10.2014, directed the respondents not to finalise the fresh tenders, pending further orders. Now a counter-affidavit is filed along with vacate petition.

4. The facts of the case are that the petitioner is engaged in the execution of survey works, fixing land and lot boundaries, preparation of plans, preparation of land estimates, etc. When the Government of Andhra Pradesh planned for construction of Rajiv Gandhi Lift Irrigation Project (Bheema Project) for providing irrigation facility from Krishna river to the drought affected areas in Mahaboobnagar District, the Government wanted to provide resettlement and rehabilitation to the displaced farmers. The petitioner claims that it was given work of conducting a detailed survey. It was also given the work of preparation of layout and fixing boundary stones for R & R centre at Kanaipalli in an extent of 111.12 acres. In that process, it cleared the jungle for an extent of 20 acres and conducted some work. When the work was going on, the third respondent issued e-procurement notice on 10.07.2014 calling for tenders, for which the petitioner submitted its tender. But, the tender of the petitioner was rejected on the ground that it did not enclose VAT clearance certificate from the VAT registration authority. Challenging the same, W.P.No.29495 of 2014 was filed.

In respect of the work undertaken by the petitioner, it filed W.P.No.31758 of 2014.

5. The learned Government Pleader submits that the petitioner has not uploaded the latest VAT clearance certificate and also not uploaded the copies of experience certificate of similar nature of works. However, due to various reasons, the bids were cancelled and the petitioner was informed of the same on 11.09.2014. He further submits that another tender notice was issued on 15.09.2014 and the petitioner participated in the said tender.

6. From the above facts, it is clear that the earlier tender notice dated 10.07.2014 was cancelled and another tender notice was issued on 15.09.2014. The petitioner participated in the subsequent tender and the said tender has to be processed according to the conditions mentioned in the tender. In view of the cancellation of earlier tender, the petitioner cannot challenge the issuance of subsequent tender, more so, when the petitioner did not enclose the documents required under the said tender conditions. The petitioner also did not challenge the intimation given to the bidders of e-procurement tender on 11.09.2014 with regard to the cancellation of earlier tender in view of non-fulfillment of clause 16 of the conditions. The petitioner did not file any document authorizing it to undertake the survey work. If it has any documentary evidence, it is open to the petitioner to lay a claim.

7. In the circumstances, these Writ Petitions are dismissed, but leaving it open to the petitioner to submit its claim with regard to the work, if any, done in anticipation of award of work or by virtue of the work order issued by any competent authority. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 03.08.2015

TJMR

