

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

* * * *

WRIT PETITION Nos.13262 of 2014 and 12254 of 2015

Between:

M.Azmal.

....Petitioner

and

The Government of Andhra Pradesh,
Civil Supplies Department,
Secretariat, Hyderabad,
Rep.by its Secretary,
And others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 21.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION Nos.13262 of 2014 and 12254 of 2015

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COMMON ORDER:

Writ Petition No.13262 of 2014 was filed for the following relief.

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 5th respondent in issuing impugned proceedings dated 17.04.2014, discontinuing the petitioner as Stage-II transport contractor for MLS Point Yemmiganur and entrusting the same to the 7th

respondent as illegal, arbitrary and violative of principles of natural justice and also violative of Art.14 of the Constitution of India and consequently DIRECT the respondents to continue the petitioner as Stage-II Transport Contractor for MLS Point, Yemmiganur by setting aside the impugned proceedings dated 17.04.2014 and pass such other order or orders which are necessary in the interest of justice.”

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Writ Petition No.12254 of 2015 was filed for the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in awarding contract in favour of the 5th respondent without opening the petitioner’s tender filed in pursuance of notification No.PDS/Stage-II/Tenders/2015-16, Dated 03.03.2015 for Stage-II Transport Contract for MLS Point and also not calling the petitioner for negotiations as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently DIRECT the respondents to open the petitioner’s tender and call him for negotiations in pursuance of tender notification No.PDS/Stage-II/Tenders/2015-16, Dated 03.03.2015 and pass such other order or orders which are necessary in the interest of justice.”

Though these Writ Petitions are filed for the above reliefs, now the learned Counsel for the petitioner submits that in spite of opening the tenders, the respondents have not paid the security deposit, bank guarantee and earnest money deposit, even after award of the contract in favour of the third party.

Learned Counsel for the respondents submits that in view of the pendency of these Writ Petitions, the respondents could not pay the said amount and they would pay the same within a period of two weeks.

In the circumstances, these two Writ Petitions are disposed of directing the third respondent to pay the amounts, which are admittedly due to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. The miscellaneous petitions pending in these Writ Petitions, if any, shall stand closed. There shall be no order as to costs.

21.08.2015
vs

(A.RAMALINGESWARA RAO, J)