

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION NO.11197 OF 2015

ORDER:

This writ petition is filed for a *Writ of Mandamus* declaring the action of the respondents in issuing the fresh 2nd tender notification ROC.No.379/2015/E1, dated 10.04.2015 for the work of Man Mazdooz Fitters, Electricians and Drivers in Engineering Section for the maintenance of water supply, Street lightening and Civil works, for which the petitioner had already submitted lowest tender in pursuance of the tender notification dated 20.03.2015, as illegal and arbitrary and for a consequential direction to the respondents to award work to the petitioners society in pursuance of the 1st tender notification.

The case of the petitioner is that the respondents have issued fresh tender notification dated 10.04.2015, by cancelling the 1st tender notification dated 20.03.2015 wherein the petitioner has emerged as successful bidder, without assigning any reason. Aggrieved by the same, the present writ petition is filed.

This Court on 21.04.2015 granted interim order stating that the tender process may go on, but the same shall not be finalised.

Learned counsel for the petitioner submits that without rejecting his bid or without cancelling the tender notice which was held on 27.03.2015, respondents issued fresh tender notification dated 10.04.2015, to be held on 22.04.2015.

On the other hand, Sri Nimmagadda Venkateshwarlu, learned Standing counsel for respondents 3 to 5 produced written instructions dated 31.03.2015 stating that three persons including the petitioner have participated in the tender notification dated 20.03.2015 and all the bidders have not qualified as per the tender conditions, as such, the same is cancelled and fresh tender notification dated 10.04.2015 has been issued.

Since issuance of tender is only inviting offers, it is for the respondents to accept it or go for fresh tenders. Therefore, petitioner cannot force the respondents to accept the same. More so, the written instruction submitted by the learned Standing counsel also show that the decision to go for fresh tender is taken as all the tenderers who participated in the earlier tender process are not qualified. Since it is stated that petitioner also participated in the fresh tenders held on 22.04.2015, his bid also may be considered with others, if he is eligible and the same may be finalised.

In view of the same, I do not see any ground to continue the interim orders. Accordingly, the writ petition is disposed of directing the respondents to consider the bid of the petitioner along with others and finalise the same. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

27.04.2015

dv