

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

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT APPEAL No.495 of 2015

DATED: 26.06.2015

Between:

M/s.Seven Seas Trading Company

... Appellant

and

Union of India and others

... Respondents

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

WRIT APPEAL No.495 of 2015

PC: (per the Hon'ble The Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order, dated 27.04.2015 passed in writ petition No.9555 of 2015 whereby the appellant's petition has been dismissed.

The appellant sought mandamus declaring letters, dated 10.03.2015 and 26.03.2015, issued by the third respondent, as arbitrary and illegal and further prayed for refund of EMD of Rs.1,00,000/-.

In short, the case of the appellant is that the cancellation of tender or forfeiture of EMD is contrary to the terms of tender notification and that an occasion for him to refuse execution of a contract did not arise since he never received letter, dated 10.02.2015 accepting his tender.

We have perused the order passed by the learned Single Judge wherein the petitioner's categorical admission has been recorded that he had received the letters, dated 10.03.2015 and 26.03.2015. In this backdrop, learned Judge in the concluding paragraph of the impugned order made the following observations:

“From the status of receipt of articles sent by RPAD vide replies of the Sub Post Master, I am not inclined to entertain the Writ Petition inasmuch as the petitioner has not disclosed true and correct facts on the impugned letters. Once it is established that sanction letter was sent on 10.02.2015 and the same was received by the petitioner on 12.02.2015 and there is inaction on the part of the petitioner in proceeding further under the subject tender notification, the respondents are justified in taking action impugned in the Writ Petition. On this short ground, the Writ Petition is dismissed.”

In the circumstances, we do not find any merit in the writ appeal.

Writ Appeal is accordingly dismissed.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

26th JUNE, 2015.

A.RAJASHEKER REDDY, J

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