

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT APPEAL No.375 of 2015

JUDGMENT: (per NRR,J)

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This writ appeal is preferred by the appellants-writ petitioners against the interlocutory order passed by the learned Single Judge on 01.05.2015 disposing WPMP No.15337 of 2015 in W.P.No.11606 of 2015. The learned Judge after having recorded the crucial contentions canvassed on behalf of both sides has made a sincere effort to make assessment with regard to the balance of convenience lying between the parties and ultimately, found that since the securities and surveillance work has got to be put in place before Godavari Pushkarams commence and also in view of the fact that respondent No.4 in the writ petition has already been allotted the work and he has also commenced it, did not find it appropriate to prevent all further proceedings to take place in the matter.

Learned counsel for the appellants, Sri V.M.M.Chary, would strenuously submit that all norms of good governance and processing of the tender have been thrown to winds only for the purpose of favouring respondent No.4 with the award of work and in the process, the State has also compromised on the financial interest and the difference between the offer made by the first appellant and respondent No.4 is approximately Rs.1 crore.

In view of what has been urged before us, we think that it would only be appropriate to add a caveat to the order passed by the learned Single Judge by adding that respondent Nos.1, 2 and 3 will withhold from making payment to respondent No.4 to the extent of Rs.1 crore till 15.06.2015, when the writ petition is directed to be listed for consideration afresh.

With this, writ appeal stands disposed of. There shall be no order as to costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

M.S.K.JAISWAL,J

Dt:07.05.2015

Kdl/gj