

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8272 OF 2015

ORDER :

This writ petition is filed for writ of mandamus directing the respondents to exempt petitioner from furnishing of VAT, CST, & FGL etc and D.D for an amount of Rs.14,50,000/- in favour of Project Director, DW & CDA, Ongole towards security deposit in the tenders for supply of eggs to the door steps of 4009 Anganwadi Centers and 235 Mini Anganwadi Centers of 21 ICDS Projects in Prakasam District and consequently to direct the respondents not to finalize the tenders as the bid closing date is 27.03.2015 at 1.00 p.m.

It is stated that the respondents called for tender by imposing certain conditions under Section-B of the tender, for supply of Eggs to the door steps of 4009 Anganwadi Centres and 235 Mini Anganwadi Centers of 21 ICDS Projects in Prakasam District. The petitioner participated in the said tender and the bid would be opening on 27.03.2015 at 4.00 p.m. The petitioner is not able to furnish a copy of VAT, CST & FGL etc., and an amount of Rs.14,50,000/- in favour of 4th respondent-Project Director, District Women & Child Development Agencies, Ongole towards security deposit and seeks a direction to exempt from the said condition.

Heard learned counsel for the petitioner as well as learned Government Pleader for Women Development & Child Welfare.

Learned counsel for petitioner states that since the petitioner-Society is not able to satisfy all the conditions in tender notification, the respondents have to exempt the petitioner-society from complying the said conditions.

On the other hand, learned Government Pleader for Women Development & Child Welfare states that such an exemption cannot be granted when once the same is imposed in the tender conditions.

Except stating that the petitioner-society is not able to furnish VAT, CST & FGL etc., and an amount of Rs.14,50,000/-, learned counsel for petitioner has

not stated any other ground for relaxing or revising the impugned tender conditions. I am afraid such a direction can be given to the respondent authorities to exempt such condition by exercising the power under Article 226 of the Constitution of India. Moreover, nothing is shown that such a condition is illegal and arbitrary and it was tailor made in order to suit interests of the respondent authorities. In view of the same, the writ petition is devoid of merits and same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand dismissed.

A.RAJASHEKER REDDY, J

27.03.2015

kvs

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Date: 27.03.2015

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