

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.830 of 2012

ORDER:

This writ petition is filed seeking the following prayer:

“to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of 5th respondent in passing the impugned order in A.E1/NABARD/TENDERS/08 dated 31-12-2011 demanding me to pay Rs.2,80,700/- to A.P.A.O., Somasila Project, Nellore by way of Demand Draft within 15 days, without any valid reason, giving opportunity of being heard, as illegal, arbitrary and unconstitutional, and consequently set aside the order passed by 5th respondent in A.E1/NABARD/TENDERS/08 dated 31-12-2011, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The case of the petitioner is that in pursuance of tender notification issued by the respondents for execution of certain works, he has submitted his tender by quoting the lowest price through e-procurement platform on 26-03-2008. However, he was not declared as the successful bidder and one N.Ramesh Reddy was declared as the successful bidder and the work was allotted to him. Questioning the same, the petitioner filed an application before the concerned authorities. However, he was informed that the reason for rejection of his tender was submission of fake documents. The explanation stated to have been submitted by the petitioner in this regard was considered by respondent No.6 and the EMD was directed to be forfeited. Thereafter, a series of Writ Petitions have been filed with regard to the same. As of now, this Court is concerned with the impugned proceeding issued to the petitioner demanding him to pay a sum of Rs.2,80,700/-.

Heard.

The learned counsel for the petitioner, while submitting that the impugned order is issued without prior notice, which is in violation of principles of natural justice, has also argued on merits of the case.

A perusal of the impugned order does not indicate that the same is preceded by any prior notice. Moreover, allegations made by the petitioner in his affidavit, filed in support of the writ petition, to the effect that no prior notice was issued to him before passing the impugned order, has not been denied by the respondents in their counter-affidavit.

In view of the same, the writ petition is allowed and the impugned order dated 31.12.2011 in A.E1/NABARD/TENDERS/08 passed by the 5th respondent is set aside. No costs. However, this order will not preclude the competent authorities from taking necessary action after following due procedure.

Miscellaneous petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 10-09-2015

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