

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

WRIT PETITION No.23764 of 2015

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Between:

Mega City S.C. Labour Contract Co-operative Society

...Petitioner

and

State of Telangana and others

...Respondents

DATE OF JUDGMENT PRONOUNCED: 13.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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1. Whether Reporters of Local newspapers

may be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment

may be marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.23764 of 2015

ORDER:

Respondent No.3 issued a tender notification, dated 08.12.2014 calling for bids for running Cycle and Scooter stands in Osmania General Hospital for the year 2015-16. Petitioner states that it is one of the bidders and it has offered EMD as per requirement. The said tender process is not finalized till now. However, the petitioner alleges that respondent No.3 issued another tender notification, dated 07.07.2015 for the same work for the year 2015-16. Hence, the petitioner questioned fresh tender notification on the ground that earlier tender notification, dated 08.12.2014 remains unconsidered and no orders have been passed.

On an earlier occasion, learned Government Pleader had taken time for instructions. Today, the learned Government Pleader, on the basis of instructions, submits that the Committee, which was considering the bids, received pursuant to earlier tender notification, held its meeting and unanimously decided to cancel the tender notification, dated 08.12.2014, and only thereafter, fresh tender notification was issued. She also states that such decision of the Committee was displayed on the Notice Board.

Admittedly, there are no proceedings issued by respondent No.3 cancelling the tender notification, dated 08.12.2014. In my view, unless the earlier tender notification is cancelled, fresh tender notification could not have been issued. The petitioner is also aggrieved of the fact that earlier tender notification is not cancelled as such it is not able to get back the EMD offered by it in pursuance thereof and thereby, its right to participate in the fresh tender process will also be affected.

In this scenario, in my view, it is appropriate to direct respondent No.3 to pass appropriate orders with regard to the cancellation of tender notification, dated 08.12.2014 and to return the EMD to the petitioner and other tenderers as offered by them, after such cancellation and only thereafter, take up the consideration of fresh tender notification, dated 07.07.2015.

With the aforesaid directions, the Writ Petition is disposed of.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. No order as to costs.

VILAS V.AFZULPURKAR, J

13th AUGUST, 2015.

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