

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

WRIT PETITION No.15094 of 2015

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Between:

M/s. Eswar Egg Traders,
D.No.18-24, Kadapa Road, Rayachoty,
Kadapa District, Rep. by its Proprietor,
Sri Satti Satish Reddy,
S/o. Sri Venkat Reddy, Aged about 35 years.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Women and Child Welfare Department,
A.P. Secretariat,
Hyderabad – 500 022 & 3 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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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 Reports/Journals | Yes/No |

3 Whether His Lordship wish to see the fair Yes/No
copy of the Judgment?

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner challenges tender conditions in the tender notification, dated 25.05.2015, which is called for supply of eggs under the I.C.D.S. Project in three Divisions of Kurnool District. Though the tender notification is one, but the contract is intended to be awarded for three divisions separately. The tender notification was issued on 25.05.2015 and was finalized on 31.05.2015 and contract was awarded on the same day. By the time the writ petition is taken up, the contract was already awarded. The tender submitted by the petitioner was not accepted on the ground that the petitioner has not fulfilled the conditions prescribed in the tender notification. The petitioner challenges the various conditions particularly emphasizes on three conditions, i.e., prescribing three years experience in supply of eggs to the Government Departments for the Financial years 2012-13 to 2014-15; prescription of turnover of eggs of Rs.6.00 crores per annum; and Solvency Certificate for Rs.1.00 crore from any nationalized bank.

2. However, when the matter is taken up, learned Government Pleader

produced instructions of the Director, Women Development and Child Welfare Department, Hyderabad, Government of Andhra Pradesh in Memo No.1425/J3/2015, dated 14.07.2015, whereunder all the Regional Deputy Directors and Project Directors were directed to follow the tender process through

e-procurement only during the procurement of the commodities in the districts as per the G.O.Ms.No.40, Finance (TFR) Department, dated 14.02.2014.

3. Having regard to the fact that in future only e-procurement procedure method would be followed and since the contract is already awarded, at this stage keeping the writ petition pending would not serve any purpose. The Writ Petition is, accordingly, disposed of recording the proceedings of the Director, Women Development and Child Welfare Department, Hyderabad, Government of Andhra Pradesh, in Memo No.1425/J3/2015, dated 14.07.2015, and directing the respondent authorities to follow the procedure of e-procurement in future for awarding of contracts. Since the petitioner has serious grievance with reference to the three conditions referred to above, it is left open for the petitioner to agitate whenever new tender notification is floated and if those three conditions are still incorporated. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

P.NAVEEN RAO, J

Date: 23rd July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.15094 of 2015

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Date: 23rd July, 2015

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