

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8463 OF 2015

ORDER:

This writ petition is filed questioning the short tender notice Roc.No.310/2015/F1, dated 20.03.2015 issued by the 2nd respondent, only on the ground that instead of inviting the tenders through e-procurement, as per G.O.Ms.No.415, dated 05.09.2003, the respondents have issued the tenders manually.

Learned counsel for the petitioner submits that the 2nd respondent has issued the short tender notice contrary to G.O.Ms.No.415 dated 05.09.2003.

Sri Nimmagadda Venkateshwarlu, learned Standing counsel for the 2nd respondent-Municipality submits that as per clause (7)(1) of G.O.Ms.No.415, e-procurement shall be adopted in Public Health Engineering Department and the same shall be taken up with the State Government Funds. As such, the same is not applicable to the works of the Municipal Corporation.

Clause 7(1) of G.O.Ms.No.415 reads as follows:

“The e-procurement shall be adopted in Public Health Engineering Department in respect of the works coming under purview of the Chief Engineer (PH) / Engineer-in-Chief (PH) / Commissionerate of Tenders costing Rs.100 lakhs and above and taken up with the State Government funds (including HUDCI / Municipal Contributions) adopting the guidelines/procedures as indicated in the Annexure enclosed”

A reading of the above clause shows that it only applies to the works relating to Public Health Engineering Department. *Prima facie*, the said G.O. would not apply to the works under taken by the Municipal Corporation and more so, the present writ petition is filed on the last date of submission of the tender documents and the petitioner has not specifically stated in his affidavit, in what way he is prevented from participating in the tenders.

In view of the same, I do not see any merit to entertain the writ petition.

Hence, the writ petition is dismissed. However, it is open for the petitioner to participate in the tenders and the respondents shall consider the same along with other bids as per the terms and conditions of the tenders and as per law.

There shall be no order as to costs. As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

27.03.2015

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