

The Hon'ble Sri Justice A.Ramalingeswara Rao

Writ Petition No.28274 of 2012

Date: 16.12.2016

Order:

This Writ Petition is filed for a Mandamus to declare the action of the first respondent- Corporation, in issuing work orders for installation of Traffic Signals along with surveillance cameras at Warangal in favour of the fourth respondent- Agency, as illegal and arbitrary. The petitioners sought for a consequential direction to set aside the said work orders and to conduct a fresh auction for the above said works.

The brief facts of the case are as under:

The first respondent invited applications from interested persons/agencies for submission of expression of interest for erection of cantilever structures with traffic signal lights at 21 locations in Warangal Municipal Corporation Limits. In response to the same, 15 advertising agencies submitted their expression of interest and attended before the Evaluation Committee on 02-11-2010, out of which, six agencies were shortlisted. But, the first respondent appears

to have changed the terms and conditions, added eight more locations and allotted work orders in favour of the fourth respondent. The petitioners are aggrieved by such allotment.

No counter-affidavit is filed by the first respondent-Corporation. However, the fourth respondent- Agency filed a counter-affidavit stating that the work orders were awarded to it only after evaluation and consideration of the proposals of the shortlisted agencies by the Evaluation Committee. That the first respondent *vide* Proceedings, dated 18-12-2010 and 18-08-2011 awarded work orders to the fourth respondent, which, in turn, entered into two separate agreements on 18-12-2010 in respect of the works pertaining to 10 junctions and on 18-08-2011 in respect of the works pertaining to 11 junctions. That the fourth respondent completed the works and installed the traffic signals, surveillance cameras, Police booths at all the 21 junctions and the competent authorities have inspected those works and issued clearance report.

It is clear from the above facts that pursuant to an evaluation made by the Evaluation Committee, the fourth

respondent was issued the work orders in respect of 21 locations.

As regards the period of contract, originally, it was for three years. The learned Counsel for the fourth respondent submits that the same is extendable upto fifteen years. However, the learned Counsel for the petitioners submitted that no order, extending the term of the contract, was issued to the fourth respondent, but it has been continuing. The learned Counsel for the fourth respondent submitted that the fourth respondent filed WP.Nos.32110 of 2015 and 5618 of 2016 apprehending discontinuance of the contract and questioning the notice issued by the first respondent-Corporation demanding it to pay the taxes and that the same were disposed of by this Court. The learned Standing Counsel for the first respondent submitted that no decision has been taken pursuant to the orders passed by this Court either with regard to the continuance of the fourth respondent beyond the period of contract or with regard to the amount to be collected from it.

In these circumstances, this Writ Petition is disposed of giving liberty to the first respondent to review the entire case

and take decision in accordance with law, keeping in view the orders passed by this Court in WP.No.32110 of 2015 and 5618 of 2016 and the allegations made by the petitioners in the present Writ Petition.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(A.Ramalingeswara Rao, J)

Dt: 16th December, 2016
lur



