

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.20539 of 2016

ORDER:

Tender notification dated 30.05.2016, with respect to item No.43 in so far as inclusion of cycle/scooter stand in Manthani Depot, Karimnagar District, is challenged by the petitioner.

It is the case of the petitioner that, pursuant to the tender notification dated 04.01.2016, the petitioner submitted his offer for allotment of cycle/scooter stand in Manthani Depot, Karimnagar District. The petitioner is said to have paid Rs.50,000/- as earnest money deposit but, however, the said amount was not returned. As a matter of fact, the petitioner was declared as a successful bidder as he offered Rs.4,516/- p.m. Further, in February, 2016, during negotiations, the lease amount was enhanced to Rs.5,521/-. It is stated that, except entering into agreement, all formalities have been completed by the petitioner. The impugned tender notification dated 30.05.2016 came to be issued inviting tenders for allotment of cycle/scooter stand. Hence the Writ Petition.

Sri A.Ravi Babu, learned Standing Counsel appearing for the respondent – Corporation, produced the note file wherein the Corporation had taken a decision considering the previous licence fee of Rs.9,200/- p.m., as against the monthly offer of Rs.5,521/-, in respect of cycle/scooter stand, which is less than 39.98%; and since there was substantial reduction in the offer made, the Corporation decided to call for fresh tenders.

In as much as the Corporation reserved right to reject the tender in the very tender notification itself, the decision not to accept the bid of the petitioner is in the financial interest of the Corporation which cannot be considered to be arbitrary. As a matter of fact, the Corporation intimated the factum of rejection of petitioner's offer by registered post acknowledgment due by letter dated 28.06.2016. Though the learned counsel for the petitioner

refused receiving of rejection of offer, the fact remains that the offer made by the petitioner stands rejected. Even assuming that, on earlier occasion, rejection of petitioner's offer was not communicated, now the decision stands communicated to the petitioner. The rejection, as such, would not become invalid.

The Writ Petition lacks merit, and the same is dismissed. However, petitioner seeks liberty to question rejection of his offer. Needless to mention that the petitioner may avail remedies available to him under law.

Miscellaneous Petition pending, if any, shall also stand dismissed. However, in the circumstances, without costs.

CHALLA KODANDA RAM, J

Dt:12.07.2016
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