

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.37691 of 2016

ORDER:

Heard Sri V.Mallik for petitioner and Sri J.Srinivasa Rao for respondents 1 to 4.

The petitioner prays for Mandamus declaring Condition No.3(ii) of online tender Notification No.CRP/CVL/SRP/TN-53/2016-17 dated 17-10-2016 issued by 3rd respondent, whereunder a particular methodology of execution of cement concrete works is insisted upon, as illegal, arbitrary and unconstitutional.

The Condition under challenge reads thus:-

“Granular Sub Base (with crushed rock material) or WMM or Combined qty: 950 cu.m.”

Counsel for petitioner firstly by referring to the technical aspects of the matter stated in the representation dated 25-10-2016 tried to persuade this Court to examine the reasonableness of imposition of condition and alternatively requested this Court to direct the Director (Operations), Singareni Collieries Company Limited/2nd respondent to whom the said representation is addressed, to examine the desirability of including the Condition challenged in the writ petition and pass appropriate orders within reasonable time.

Counsel appearing for respondents submits that the 2nd respondent may be directed to examine the representation dated

25-10-2016 and pass appropriate orders, which would be a guiding decision even to 3rd respondent for the future tenders.

Having regard to the limited submissions of learned counsel appearing for parties, I am satisfied the writ petition can be disposed of by this order.

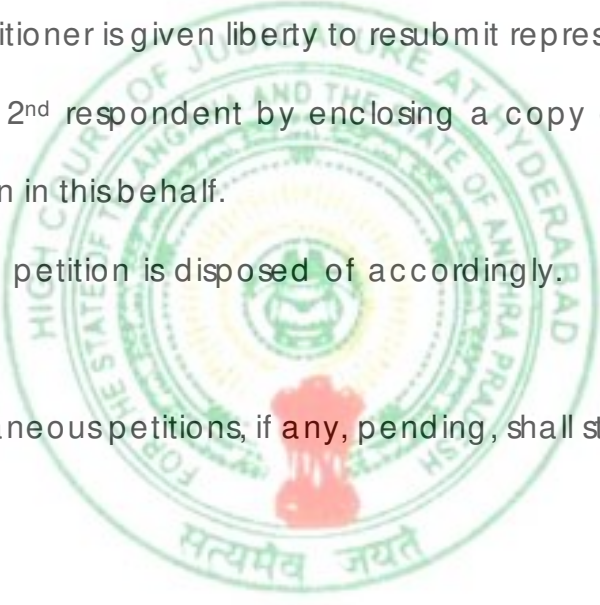
The 2nd respondent is directed to examine the technical as well as other parameters of the inclusion of the Condition referred to above as canvassed through representation dated 25-10-2016 and take a decision expeditiously, preferably within two weeks from the date of receipt of a copy of this order.

The petitioner is given liberty to resubmit representation dated 25-10-2016 to 2nd respondent by enclosing a copy of this order for timely decision in this behalf.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 03-11-2016
Prv

S. V. BHATT, J

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Prv