

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.9780 OF 2016

ORDER

The prayer of the petitioner in this case is as under:

'This Hon'ble Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents 2 to 4 in not awarding contract to the Petitioner in respect of Improvements to Kuppam-Chirugunta Gold Mines via Gundla Nayanapalli vide Tender NIT No.4/Plan/ENC(R)/DCE(R)/EE(TEC)/DEE7/AEE2/2015-16, dt.13. 01.2016 issued by the 3rd Respondent, as arbitrary, discriminatory, motivated and illegal and consequently direct the Respondents to award forthwith the said contract to the Petitioner in respect of Improvements to Kuppam-Chigurugunta Gold Mines via Gundla Nayanapalli vide Tender NIT No.4/Plan/ENC(R)/ DCE(R)/EE(TEC)/DEE7/AEE2/ 2015-16, dt.13.01.2016 issued by the 3rd Respondent and with all other consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

Though a counter-affidavit has been filed by the learned Advocate General on behalf of the State, the learned Special Government Pleader appearing for the learned Advocate General pointed out that no cause of action has crystallized for the petitioner to knock on the doors of this Court at the moment.

This Court finds merit in this submission as it appears that no decision has been taken against the petitioner as yet. The Commissionerate of Tenders, at its meeting held on 29.02.2016, seems to have returned the tenders to the Engineer-in-Chief, State Roads, with a request to resubmit the tenders along with a detailed report on the representation made by the second lowest bidder for the purpose of taking a final decision.

Though Sri V.Jagapathi, learned counsel for the petitioner, would contend that only the formalities remain to be completed and that a

decision has already been taken in spirit to disqualify the petitioner, who is the lowest bidder, and to award the work to the second lowest bidder, this Court is of the opinion that there is no crystallized cause of action as on date for this Court to intervene. No decision has been taken either adverse to the petitioner or in favour of the second lowest bidder, which can be subjected to judicial review.

In that view of the matter, the writ petition is dismissed leaving it open to the petitioner to avail appropriate legal remedies as and when a cause of action actually arises. Pending miscellaneous petitions shall also stand dismissed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

29th MARCH, 2016

PGS