

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WIRT PETITION No.9731 OF 2016

ORDER:

This Writ Petition is filed seeking writ of Mandamus to declare the action of the respondents in calling tenders through e-procurement tender process dated 18.03.2016 in open category for CE KTPS V & VI Stage as illegal, arbitrary and contrary to G.O.Ms.No.30, Social Welfare (V2) Department, dated 17.02.1994.

It is the case of the petitioners that they are the Labour Societies and the members of the societies are all belonging to Scheduled Tribes and in terms of the GO.Ms.No.30 Social Welfare (V2) Department, dated 17.02.1994 the works in the tribal area are required to be exclusively given to them and they cannot be allocated by way of open competition.

Smt. Udaya Sree, learned standing counsel for T.S. Genco, submits that so far as the work in relation to KTPS VI stage-(1x500 MW)-Civil-Disposal of debris/ash collected from roads & drains at different locations of plant by engaging tractor with crew and Rendering assistance to the Engineering staff in supervision of civil works under Sub-Division-II/CD-II/KTPS-VI.Stage for a period from 01.04.2016 to 31.03.2017, the preference as claimed by the petitioners would be given. So far as the other two works are concerned they being of technical nature the petitioners would not be entitled to claim exclusivity.

Learned counsel for the petitioners submits that this Court may not express any opinion with regard to applicability or otherwise of the G.O.Ms.No.30 for the other works, and the writ

petition may be disposed of confining the submission made by the learned Standing Counsel for the respondents with respect to the eligibility in relation to the work of transportation and disposal of dust, ash/debris collected from drains, roads at different locations of auxiliary Buildings in the Plant by engaging tractor and disposed the same in low laying areas with an extra lead of 2 KM including hire & operational charges of tractor, cost of T&P, all labour charges with all leads and lifts, incidental charges etc., complete as directed by Engineer in charge.

Recording the respective submissions made by both the learned counsel, the writ petition is disposed of. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J

Dated: 30.03.2016
Ssv