THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37067 of 2016

ORDER:

This writ petition is filed seeking to call for all the connected records including the orders passed by the 2nd respondent in Order No.A1/OS/Rejection/989/2016, dated 12.09.2016, without considering the Acknowledgement and the Service Tax Certificate and quash the same as illegal and arbitrary and to direct the respondents to consider the petitioner for empanelment of the contract work for providing manpower for the year 2016-17.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner firm is a registered partnership firm and they are supplying the manpower on outsourcing basis to the Government and private companies. It is further submitted that the 2nd respondent issued a tender notification on 03.08.2016 calling for sealed tenders from various registered outsourcing agencies to provide candidates/manpower in the outsourcing vacancies in various departments in Khammam District for the year 2016-17. It is further submitted that tenders were opened on 11.08.2016 and the 2nd respondent authorities directed the petitioners to appear before the committee on 20.08.2016 along with the original documents. The petitioner attended along with all original documents before the 2nd respondent including the service tax certificate issued by the Central Board of Excise and Customs.

The grievance of the petitioner is that the 2nd respondent rejected the tender submitted by the petitioner agency opened on 11.08.2016 on the ground that he has not followed the tender condition, more particularly, failed to file the certified copy of service tax at the time of filing of the tender. The main grievance of the petitioner is that the petitioner has submitted the acknowledgement of the service tax uploaded in the website because the petitioner has applied for enrolment number to the Central Board of Excise & Customs as required under Finance Act to pay the service tax under relevant provision on 06.08.2016. It is further submitted that the competent authority has received the application and acknowledged the same but they did not provide the enrolment number immediately due to the server problem, the concerned authority could not issue the service tax certificate immediately. The 2nd respondent authorities rejected the petitioner's case on 12.09.2016 only on the ground that the service tax certificate has to be submitted even after receipt of the acknowledgement of the service tax and after receipt of the original service tax certificate on 20.08.2016. Aggrieved by the same, the petitioner filed this writ petition

Considering the facts and circumstances of the case, the petitioner is directed to submit a representation to the 2nd respondent informing the circumstances which are beyond his control, to communicate the payment of service tax and also the other circumstances. The petitioner shall submit the said representation to the 2nd respondent on or before 14.11.2016 and upon receiving the said representation from the petitioner, the 2nd respondent is directed to consider the said representation and pass appropriate orders, as expeditiously as possible, in accordance with law, within a period of one (1) month from the date of receipt of the said representation.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 1st November, 2016

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