

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE P. NAVEEN RAO

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WRIT APPEAL Nos. 295 and 297 of 2016

Date: 27.04.2016

W.A.No.295 of 2016

Between:

M/s. A-1 Facility & Property Managers Pvt., Ltd.,
Rep., by its Managing Director,
Mumbai.

... Appellant

And

Agile Security Force Pvt., Ltd.,
Rep., by its Director,
Ranga Reddy & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APPEAL Nos. 295 and 297 of 2016

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

These appeals are directed against the orders, dated 23.03.2016, passed in W.P.M.P.Nos.12236 and 12525 of 2016 in W.P.No.9691 of 2016, and W.P.M.P.No.12262 of 2016 in W.P.No.9709 of 2016.

The order, dated 23.03.2016, passed in W.P.M.P.Nos.12236 and 12525 of 2016 in W.P.No.9691 of 2016, impugned in W.A.No.295 of 2016, reads thus:

“Heard learned counsel for the petitioners. Sri Appayya Sharma, learned counsel for the first respondent, Sri P. Devand, learned counsel for respondents 2 and 3 and Sri D. Prakash Reddy appearing for Sri K.Lakshman, learned counsel for respondent No.4.

After hearing the counsel at length this Court prima facie, satisfied that Clause 2.1.1 in (iv) as well as Clause 2.1.1 in (i) r/w. Clause 2.1.3 do not appear to have been fulfilled by the 4th respondent. Although it is contended that a consortium consisting of the 4th respondent and another party have filed a bid with the 4th respondent as the lead member, the award of contract under the proceedings issued today appears to be to the 4th respondent individually and not to the consortium consisting of the 4th respondent and the other party. It is also contended that the 4th respondent does not have the requisite turn over prescribed in Clause 2.1.4.

In this view of the matter, there shall be stay of all further proceedings pursuant to the issuance of the letter of acceptance issued by the second respondent vide Lr.No.SSP

15/Planning/1/DME, dated 22.03.2016, for a period of four weeks.

Post the matter after two weeks. In the meantime, counter shall be filed by the respondents.”

We have heard learned Senior counsel for the parties and they have agreed for the order that we propose to pass. Hence, we dispose of the appeals by the following order:

“Respondent Nos.1 and 2, who are continued by virtue of the interim orders, dated 23.03.2016, and in view of the orders, dated 27.02.2016, for rendering services of Sanitation/Security/Post and Rodent Control, shall not be paid anything more than what has been quoted by the appellants and/or what they are paid after termination of their contract till 23.03.2016, whichever is less, pending disposal of the writ petitions.

Learned Single Judge is requested to hear and dispose of the writ petitions and/or W.V.M.P.No.1326 of 2016 in W.P.No.9691 of 2016 either on the next date or before expiry of the period for which interim order has been extended i.e., up to 30.06.2016.

The statement of Sri C. Appaiah Sharma, learned counsel for respondent No.3, that as of today respondent No.3 do not propose to cancel the existing tender and notify fresh tenders, is accepted. It is needless to mention that if there is any other petition pending in respect of the same subject matter, same shall be heard along with these writ petitions. All contentions of the parties are kept open.”

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B.BHOSALE, ACJ

P.

NAVEEN RAO, J

Date: 27.04.2016
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