

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10060 of 2016

ORDER:

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This writ petition is filed questioning the action of the 2nd respondent in increasing the pre-eligibility condition of Rs.50.00 crores annual turnover for the past three years vide Clause No.2.8 in the request for proposal for empanelment of suppliers for supply of 1803 MTS RG Dall Indigenous Variety Fatka quality in 50 Kg Jute Bags per month in the state of Andhra Pradesh for two months to WD & CW Department through Yes Bank Platform with Antares Systems Limited.

As per the Government Pleader for Civil Supplies (A.P), the total quantity proposed to be declared is 36,000 tonnes in two months time and the turnover which has been asked is Rs.50.00 crores per annum and 1000 Mts of Rg Dall in any financial year to the Government Agencies alone.

Prima facie, the stipulation of the turnover of high value and the quantum creates an entry barrier and thereby the computation which would be obviously push the price up. While there is always possibility that the tendering authority may have apprehension about the performance, the said aspect can always be highest by stipulating the performance parameters once a person bidding is successful. In that view of the matter, the petitioner shall also be allowed to participate in the tender subject to fulfilling all the conditions with regard to bidding process. However, the tenders shall not be finalized.

Accordingly, the writ petition is allowed directing the respondents to allow the petitioner to participate in the tender subject to fulfilling all the conditions with regard to bidding process. Further, the learned Government Pleader for Civil Supplies (A.P) shall inform the respondents about the passing of the orders by this Court to permit the petitioner to participate in the tender. No order as to costs. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence.

JUSTICE CHALLA KODANDA RAM

DATED:28.03.2016

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