

**HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION Nos.30050 and 30061 of 2010**

**ORDER:**

1. These two Writ Petitions are being disposed of by this common order as they involve similar point for consideration of this Court.

2. The 1<sup>st</sup> respondent issued a notification dated 26.05.2005 placing the license for Indian Liquor retail shops at Jangareddygudem and Buttaigudem respectively for public auction through sealed tenders for the year 2005-2006. The tenderers have to submit their quotations in sealed envelopes along with a Demand Draft for the EMD in a box that was kept by the respondent officials. The last date for submission of tenders was on or before 5 P.M. of 01.06.2005 in the office of the Excise Superintendent, West Godavari, Eluru. The date for opening of the sealed tenders was 10.00 A.M. on 02.06.2005. The petitioners quoted the rates and placed in a sealed cover along with Demand Drafts in the box kept by the respondent officials within the prescribed time. They state that they were not present at the time of opening the tenders on 02.06.2005 and thereafter there was no communication to them. While so, they received a distraint notice on 28.08.2010 and 04.09.2010 respectively and came to know that the 1<sup>st</sup> respondent issued proceedings on 06.06.2005 stating that the petitioners were liable for the resultant loss said to have occurred on account of non-payment of further amount and on confirming the bid of the next highest bidder consequent to the cancellation of bids of the petitioners. Challenging the action of the respondents in initiating and continuing the proceedings to recover the differential amount

determined by the 1<sup>st</sup> respondent in his proceedings dated 06.06.2005, the present writ petitioners were filed.

3. Learned Counsel for the petitioners submits that the petitioners are not aware of the confirmation of the bid on 02.06.2005 in their favour.

4. In view of the said contention, the record of the proceedings was called for by this Court and it is noticed that the petitioners attended the bid meeting on 02.06.2005. In the circumstances, it cannot be accepted that the petitioners are not aware of the acceptance of the bid in their favour. Even other wise also, the petitioners being prudent business men are supposed to verify the result of their bid immediately after submission of the bid. In view of the same, the petitioners cannot challenge the proceedings for recovery of the differential amount consequent to the cancellation of bid when the distraint proceedings are taken against them.

5. In the circumstances, both the Writ Petitions fail and are accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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**A.RAMALINGESWARA RAO, J**

17-03-2016

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