

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.19960 OF 2016

ORDER:

The writ petition is filed questioning the action of the 2nd respondent-APMDC in not considering the bid of the petitioner pursuant to the notification of the tender in APMDC/Calcite-geo-4/RCSC/TBT & NMP/2016.

The principal allegation of the petitioner is that the bid of the petitioner in response to the above said tender notification, has been rejected on the ground that the petitioner was failed to enclose the certificate disclosing the nature of the organisation viz., the certificate of registration of society. It is the assertion of the petitioner in his affidavit that he had filed the said certificate along with the tender documents and in those circumstances, the rejection of the petitioner on the sole ground that the said certificate of registration is not enclosed is arbitrary and illegal and the rejection has been done to favour another bidder. Considering the assertion on affidavit, learned standing counsel for the 2nd respondent was directed to produce the record relating to the tender notice. Pursuant to the same, record has been produced before this Court and the record discloses that there are five bidders who participated in the tender.

The tender evaluation sheet discloses that there are nine parameters which were evaluated with respect to the eligibility conditions viz.,

- i) Open to all bidders with application fees of Rs.10,000/-.
(Whether the petitioner has paid the fees or not)
- ii) Earnest Money Deposit of Rs.2,00,000/-
- iii) The bidders shall be a Tribal/Individual/Company/Society.

- iv) Turnover of net work for 2012-13, 2013-14, 2014-15.
- v) PAN Card number.
- vi) Income Tax returns for three years.
- vii) Previous experience in mining
 - a) Calcite consumer or marketing tie-up.
- viii) Commercial Offer.
- ix) Signature of the Tenderer/representative of tenderers.

The tenders of five bidders' were evaluated. As per column No.iii) of the tender notification, the bidders shall be tribal/individual/company/society and whether any certificate is enclosed to that effect. The petitioner has not submitted the certificate of registration and the same was endorsed by him by affixing his signature and noting the mobile No. as 949266967.

As the petitioner had not submitted the certificate of registration evidencing his constitution, the commercial bid was not opened. One Doru Ganganna Dora whose bid was responsive bid had quoted a sum of Rs.800/- per tonne which is 10.67 times higher than the existing rate. As revealed from the examination of the record, it is clear that the petitioner had not submitted the certificate evidencing his constitution. Considering the fact that the largess of the State that too an important mineral calcite is in issue, and considering the fact that the petitioner is a registered society of the year 2008, his counsel was directed to get the instructions as to whether his client is willing to offer a substantial offer over and above the price disclosed by the said D. Ganganna Dora.

Learned counsel for the petitioner, on instructions, submits that the rate offered by the said D. Ganganna Dora is totally unworkable and his client leave alone offering any higher price can not even match the price offered by the said D. Ganganna Dora.

In the facts of the present case, the writ petition does not merit

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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