

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.36123 OF 2014

ORDER

The prayer of the petitioner in this case is as under:

‘For the reasons stated in the accompanying affidavit, it is prayed that, this Hon’ble Court may be pleased to issue writ or direction preferably writ of mandamus, declaring the action of respondents 2 and 3 in proceeding to award the e- procurement tender No. IFB/E1/146/40/2014, dt. 16-10-2014 in favour of respondent No. 4 as illegal, arbitrary and violative of principles of natural justice and consequently declare the petitioner as eligible and direct the respondents to award the tender in favour of the petitioner and pass such other order or orders as this Hon’ble court deems fit and proper in the circumstances of the case.’

By order dated 26.11.2014, this Court granted interim directions which read as under:

‘The contention of the petitioner is that the petitioner as well as the 4th respondent have quoted the same figure in response to the e-procurement notice issued by the second respondent and that without calling the petitioner for negotiations along with the 4th respondent, the tender of the 4th respondent is accepted arbitrarily.

Having regard to the said allegation, there shall be interim stay as prayed for, for a period of four weeks from today.

Post this WPMP after two weeks in ML.’

Vacate stay petitions having been filed by the learned standing counsel for Adilabad Municipality as well as the unofficial respondent, the matter is taken up for hearing upon being moved by way of a lunch motion.

In the counter affidavit filed by the fourth respondent, it is specifically stated that after the passing of the interim order, the respondent municipality floated another tender for supply of the same items on 18.08.2015 but owing to the orders passed by this Court, the respondent municipality was not making the payments due to the fourth

respondent. A copy of the e-tender notification dated 18.08.2015 is also placed on record.

In that view of the matter, as the respondent municipality seems to have discarded the tender process which is the subject matter of the present writ petition, the cause in this writ petition does not survive for consideration on merits.

The writ petition is accordingly closed. Interim order dated 26.11.2014 shall stand vacated. Pending miscellaneous petitions shall also stand closed. No order as to costs.

SANJAY KUMAR, J

3rd MARCH, 2016
Svv