

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.8907 of 2012

ORDER

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the first respondent.

The petitioners state that the first respondent issued a notice calling for tenders for supply of workers for sanitation work at Guntur Municipal Corporation for the years 2011-2012 and 2012-013. Pursuant to the said tender notice, the petitioners submitted 58 tender schedules by purchasing the same at the cost of Rs.4,170/- each. The tenders were opened on 29.10.2011 at 4.00 P.M. When the petitioners were waiting for allotment of work order, they came to know that the 1st respondent issued a notice on 24.3.2012 cancelling the tenders. Challenging the said cancellation, the present writ petition was filed.

A counter-affidavit is filed by the 1st respondent stating that when the tenders were under scrutiny, the Director of Municipal Administration, Hyderabad-2nd respondent, in his letter dated 7.1.2012, informed that the Guntur Municipal Corporation workers and employees union raised certain points and in those circumstances, ordered to maintain *status quo*. Thereafter, another letter was issued by the 2nd respondent on 23.2.2012 pointing out certain defects in inviting tenders and the 1st respondent was

directed to rectify the same and to follow the guidelines issued in G.O.Ms.No.214, dated 29.5.74. The 2nd respondent also vide Circular dated 3.3.2012 issued directions not to go for tender procedure for engaging out-sourcing services until specific directions are issued. In those circumstances, the tenders were cancelled on 24.3.2012.

Learned counsel appearing for the petitioners submits that the members of the petitioner-Welfare Society belong to weaker sections and they purchased 58 tender schedules @ Rs.4,170/- each and though the EMD was returned, the amount covered by the cost of tender schedules were not returned to the petitioners. He further submits that cancellation of the tenders took place due to the lapse on the part of the 1st respondent and since the petitioners were not responsible for cancellation, they are entitled to refund of the costs of tender schedules, which comes to nearly Rs.2,50,000/- and it is a huge amount to the members of the petitioner-society.

It is true that the tenders were cancelled pursuant to the direction of the Director of Municipal Administration by pointing out the mistakes committed in the tender process and the cancellation cannot be attributed to the petitioners. The 1st respondent might have incurred some expenditure for opening the tender schedules. At this length of time, it cannot be held that

the cancellation of the tenders is illegal as the tenders related to the period 2011-2012 & 2012-2013. With regard to refund of tender schedules amount to the members of the petitioner-Society, no order can be passed in the present writ petition.

Accordingly, the Writ Petition is disposed of by giving liberty to the petitioner-Society to submit a representation to the 1st respondent, who shall consider the same keeping in view the economic and social condition of the petitioner-Society and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

6th December, 2016
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