

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6992 OF 2016

ORDER:

The writ petition is filed challenging the action of the 2nd respondent in not implementing the G.O.Ms.No.66 Irrigation & CAD (Reforms) Department dated 20.04.2015 and issuing the e-procurement notification dated 19.02.2016.

It is the case of the petitioner that the 2nd respondent-Corporation has issued e-procurement notification dated 19.02.2016 calling tenders for construction of seed processing plant-cum-godown and allied works at Nirmal, Adilabad District for an estimated contract value of Rs.2,78,67,000/-. In terms of the said notification, the Class-I Contractors are eligible to participate in the bidding upto the work value of Rs.5.00 crores.

The submissions of the learned counsel for the petitioner is that the petitioner is a registered Class-III Contractor and in terms of the G.O.Ms.No.66 dated 20.04.2015, the Class-III contractors are eligible to participate in the bidding upto the works value of Rs.4.00 crores.

Smt P. Sujatha, learned Government Pleader appearing for the 2nd respondent, on instructions, submits that the 2nd respondent having taken note of the G.O.Ms.No.66 dated 20.04.2015, is ready to issue the tender documents to the petitioner.

Having considered the submissions of both sides and considering the G.O.Ms. No.66 dated 20.04.2015, there is no dispute about the applicability of G.O.Ms.No.66 dated 20.04.2015 and in normal circumstances, the writ petition could have been disposed of recording the submissions made on behalf of the 2nd respondent to enable the 2nd respondent to participate in the tender process. If the writ petition is disposed of with such direction, it is only the writ petitioner who would be eligible to participate in the tender process.

However, a large number other eligible contractors of the Class-III

Contractors would have no opportunity to participate in the bidding process as the tender notification has restricted the participation only to Class-I Contractors. In that view of the matter, the very tender notification itself being defective, the same is liable to be set aside by giving liberty to the 2nd respondent to issue a fresh tender notification notifying about the eligibility of the Class-III Contractors to participate in the tender process.

Accordingly, the writ petition is allowed setting aside the e-procurement notification dated 19.02.2016 issued by the respondents by giving liberty to the respondents to issue a fresh tender notification notifying about the eligibility of the Class-III Contractors to participate in the tender process. No order as to costs.

In view of the disposal of the main writ petition, Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

CHALLA KODANDA RAM,J

Date:03.03.2016.

Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Gk