

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.183 of 2015

JUDGMENT:

This appeal is preferred against orders dated 24.03.2015 in I.A.No.157 of 2015 in OS.No.32 of 2015 on the file of III Additional District Judge, Tirupati.

2. Appellant herein is plaintiff in the above referred O.S.No.32 of 2015 and he filed suit to declare the proceedings letter No. CE/ Civil/ SE/ C/ EE/ C /EEE (V)/ VS/Hyd/ F.B.SLDC/D.No.846/2013, dated 07.12.2013 of second defendant as illegal, void, ultra virus without any reasoning and against the principles of natural justice and for consequently mandatory injunction directing defendants No.1 and 2 to entrust the schedule mentioned work to plaintiff with SSR rates of 2013-2014. In the said suit, plaintiff filed interlocutory application seeking temporary injunction restraining respondents from taking final decision in respect of e-procurement 01/2014-15/CE/Civil/AP Transco/ D.No. 135, dated 06.01.2015 and construction of SLDC and establishing disaster recovery business continuity (G+1) in the petition schedule property. Trial Court on a consideration of contentions and rival contentions of both parties and also considering the documents produced before it dismissed the application holding that petitioner is not having *prima facie* case and balance of convenience. Aggrieved by the same, the present appeal is preferred.

3. Heard both sides.

4. Advocate for appellant submitted that subsequent to

filing of this appeal, department itself has cancelled the proceedings, which are challenged in the suit, and thereby, the relief claimed in the miscellaneous appeal has become infructuous. He further submitted that while disposing of CMA, permission may be accorded to appellant to take available legal remedies if necessary.

5. Considering the same, as the impugned proceedings have been already cancelled and fresh tenders are called for which is also reflected in the counter-affidavit filed on behalf of learned Standing Counsel for A.P.Transco, this C.M.A. is dismissed as infructuous giving liberty to appellant as requested. No costs.

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

S. RAVI KUMAR, J

Date: 09-03-2016.
gvl