

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.24121 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the respondents 2 to 4 in not considering the petitioner's tender schedule without reference to the tender condition of owning Hot Mix Plant within the 70 kms., of work, contrary to the G.O.Rt. No.179, dated 06.02.2014, as illegal and arbitrary.

It is stated in the affidavit that the petitioner is a Class-I contractor in civil works. The 3rd respondent issued tender notification calling for tenders for providing BT surface to the Road from Paderu-Lothugedda R & B Road, Korikonda of Chintapalli Mandal. The estimated cost of the work is Rs.7.25 lakhs. While notifying the tender, a condition was fixed in eligibility criteria that the contractor should own/lease a Hot Mixed Plant within 70 kms., from the work spot and the said condition is applicable only for the works within the tender value of 5.00 crores. But, the respondents 2 to 4 are not considering the application of the petitioner on the ground of non-providing of Hot Mix Plan within 70 km. It is learnt by the petitioner that he is the lowest bidder among all other participants and he is fully eligible for the present tender work. But, the respondents are not finalizing the tender of the petitioner in view of the above condition. Hence, this writ petition.

Heard and perused the material available on record.

The main grievance of the petitioner is that in G.O.Rt.No.179, the Government has specifically stated that owning of Hot Mix Plant within 70 kms., of distance from the work site should be stipulated for all the

road works costing up to Rs.5.00 crores, and for the works costing more than 5.00 crores, the said condition should not be stipulated, and that though the estimated cost of the work in the present tender is above Rs.5.00 crores, the respondents are insisting on the condition of owing of Hot Mix Plant within 70 kms., of the site, which is illegal.

Considering the facts and circumstances of the case and the averments in the affidavit, without expressing any opinion on merits, this Court is inclined to pass the following order:

The authorities concerned are directed to consider the tender of the petitioner in accordance with law, without referring to the condition of owning Hot Mix Plant within 70 kms., from the work site, since G.O.Pt.No.179, dated 06.02.2014 directs that the above condition should not be stipulated for the works costing more than Rs.5.00 crores.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

July 21, 2017
KTL

RAJA ELANGO, J



HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.24224 of 2017

Date: July, 2017

KtI.

