

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.34123 of 2017

ORDER:

In this Writ Petition eventually the petitioner herein is questioning the action of the respondents in disqualifying it in the tenders.

At the hearing, it is submitted by the learned Special Government Pleader for Roads & Buildings that the sixth respondent-Commissionerate of Tenders is the finalising authority and before the said respondent the petitioner can raise its grievance under Condition No.27.4 of the Tender Conditions. Condition No.27.4 of the Tender Conditions reads as under:

“27.4. Tenders will be finalised by the Executive Engineers/Superintending Engineers/Chief Engineers for the works costing up to Rs.2 crores. The tenders for the works costing more than Rs.2 crores will be referred to C.O.T. along with technical bid evaluation for consideration. The Commissioner of tenders shall scrutinize the tenders submitted by Engineer-in-Chief/Chief Engineer/Project administrators in accordance with the conditions stipulated in the tender document and in case any discrepancy of non-adherence to the conditions, the same shall be communicated which will be binding both on the tender concluding authority and contractor. In case of any ambiguity the decision taken by the COT on tenders shall be final.”

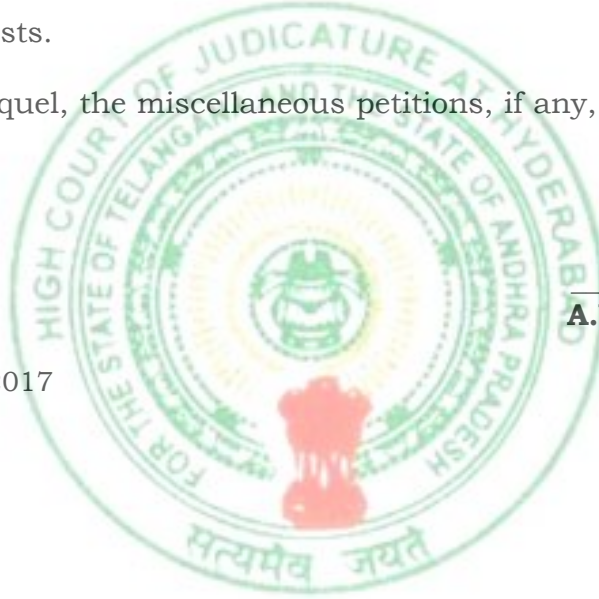
It is evident from the above Condition No.27.4 that, in the event of the tender accepting authority detecting any error in evaluation of the tenders by the Superintending Engineer, the tender accepting authority can also direct the Superintending Engineer or Chief Engineer to re-evaluate the tenders.

As it is the complaint of the petitioner that it has been disqualified on unsustainable grounds, it can raise its objections before the sixth respondent herein within a period of one week from the date of receipt of a copy of this order. If any such objections are raised before the sixth respondent, the same may be considered and appropriate further action may be taken in accordance with law, after giving opportunity to all the stakeholders.

With the above direction, the Writ Petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions, if any, shall also stand disposed of.

12th October, 2017
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A.V.SESHA SAI, J