

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18573 of 2017

ORDER:

This Writ Petition is filed alleging that the 4th respondent has been granted the contract for amenities and for supply of food items for eight Telangana Social Welfare Residential Schools / Colleges, in spite of the fact that the rates quoted by the petitioner are lower than the rates quoted by the 4th respondent.

Learned counsel for the petitioner submitted that the petitioner has quoted Rs.1-10 ps., per head, whereas, the 4th respondent has quoted Rs.1-50 ps., per head, therefore, the contract awarded to the existing tenderer-4th respondent is arbitrary and illegal.

2nd respondent, who is the tender finalizing authority had filed a counter refuting the allegations of the petitioner and it is further asserted that the petitioner had failed to fulfill the tender condition Nos.3, 11 and 12, which require the previous experience of 5 years apart from the intending bidder be an income tax assessee and further a certificate from the Income Tax authorities that all the income tax payable upto the end of the previous account years has been duly paid. Petitioner had failed to submit the same.

Learned counsel for the 3rd respondent adopted the argument of the learned Government Pleader for 2nd respondent and supports the contention of the 2nd respondent and prays for dismissal of the writ petition.

Having considered the material on record and also having considered the respective arguments, there is no dispute that

the petitioner has failed to adhere to the stipulations mentioned in the tender notice. In those circumstances, the petitioner became ineligible and, therefore, the offer of the petitioner is not a responsive bid. As the petitioner's bid is not a responsive bid, he is not entitled to be declared as a successful bidder and in those circumstances, accepting of the offer made by the 4th respondent cannot be found fault in any manner.

Accordingly, the Writ Petition has no merits and the same is dismissed. However, it is made clear, dismissal of the Writ Petition shall not be construed as disentitling the petitioner from seeking the refund of the EMD, which the petitioner has paid for the purpose of participating in the tender process.

Miscellaneous petitions pending, if any, shall also stand dismissed.

Date:13.09.2017
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CHALLA KODANDA RAM, J

