

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 15574 of 2017

Order:

Heard learned counsel for the petitioner, learned Government Pleader for the respondents 1 to 3 and learned counsel for the respondents 4 to 6.

The Gram Panchayat issued a notification on 21.04.2017 calling for tenders for running the Cattle market by a method of sealed tenders as well as open tenders under the same notification. The petitioner paid an amount of Rs.1,00,000/- through demand draft and participated in the open auction held on 31.03.2017. The upset price fixed for the auction was Rs.1,23,00,000/-. Though the petitioner participated in the open auction, when he stood as fourth highest bidder, he filed the present Writ Petition challenging the notification of calling for tenders for collection of cess in the Cattle market by the method of sealed tenders as well as open tenders.

Learned counsel appearing for the respondents 4 to 6 submitted that the tenderers formed as a cartel and none of them filed any sealed tenders, but participated in the open auction. The highest bidder agreed for an amount of Rs.1,18,21,000/-, but he expressed his unwillingness.

Learned counsel for the petitioner submits that the second and third highest bidders also are not willing. The fifth respondent did not express anything with regard to unwillingness of second and third highest bidders.

The endeavour of the petitioner is that if the highest bidders 1 to 3 are unwilling, he should be declared as successful bidder and the contract should be given to him. But, this Court noticed that the method of

conducting auction through sealed tenders as well as open auction is irregular as the Panchayat has to follow only one method and the best method is sealed tenders.

In the circumstances, the Writ Petition is allowed by setting aside the auction notice dated 21.04.2017 and liberty is given to the fifth respondent to take appropriate steps for conducting fresh auction in accordance with law. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 04.09.2017
Nsr



A. RAMALINGESWARA RAO, J