

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

WRIT PETITION Nos.27359, 27703 & 28123 of 2017

COMMON ORDER:

Since the sum and substance of the grievance of the petitioners in all these cases is the same, this Court deems it appropriate to dispose of these three matters by way of this common order.

In these Writ Petitions eventually the petitioners herein are questioning the action of the respondents in disqualifying them 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 sixth respondent herein the petitioners herein can raise their grievance under Condition No.17 of the Tender Conditions. Condition No.17 of the Tender Conditions reads as under:

“17. Examination of technical Bids and Determination of Responsiveness

- 17.1 The Superintending Engineer will evaluate whether each Tenderer is satisfying the eligibility criteria prescribed in the tender document and declares them as a qualified Tenderer.
- 17.2 If the technical bid of a Tenderer is not satisfying any of the eligibility criteria it will be rejected by the Superintending Engineer. However, the tender accepting authority detects any error in the evaluation of Tenders by Superintending Engineer, the tender accepting authority while returning the tenders may direct the Superintending Engineer or Chief Engineer as the case may be, to re-evaluate the tenders.
- 17.3 If any alteration is made by the Tenderer in the tender documents, the conditions of the contract, the drawings,

specifications or statements/formats or quantities the tender will be rejected”.

It is evident from the above Condition No.17 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 petitioners, in these Writ Petitions, that they have been disqualified on unsustainable grounds, they can raise their 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 Petitions stand disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

22nd August, 2017
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