

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.20452 of 2017

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ, order or direction, more particularly one in the nature of writ of *Mandamus* declaring the action of respondents 3 and 4 in treating the bid of the 5th respondent as qualified in gross violation of the mandatory tender conditions, as illegal and arbitrary and consequently, direct the 2nd respondent not to approve the award of contract in favour of the 5th respondent and direct respondents to award the contract relating to widening of Nuzvidu Gampalagudem (NG) Road from KM 26.100 to 43.980 in Krishna District to the eligible bidder among the remaining bidders, including the petitioner, who submitted their bids pursuant to notice NIT No.1/VJA/Plan-2016-17/EE1R/DEE4/AE2 in the interest of justice.

2. When the matter is taken up for hearing, it is informed by the learned Government Pleader for Roads & Buildings that the petitioner has already filed a W.P.No.19256 of 2017 on this subject matter, which is pending before this Court.

3. The learned counsel for the petitioner submitted that when technical bid was opened in the present tender, the petitioner challenged the same in W.P.No.19256 of 2017 and due to subsequent

developments that the financial bid has also opened and respondents are in the process of finalizing the tender in favour of the 5th respondent herein, he filed the instant writ petition and he further submitted that his request before this Court is to direct the 2nd respondent, who is competent authority, to decide the dispute regarding finalization of the tender concerned and he further submitted that he has also made representation to the 2nd respondent not to confirm the tender which is likely to be awarded in favour of the 5th respondent and he prays the Court to direct the 2nd respondent to consider the same and pass appropriate orders.

4. Considering the said facts and circumstances, the Writ Petition is disposed of with the following direction:

If there is any objection, raised by the petitioner, is pending before the 2nd respondent in connection with the tender in question, the 2nd respondent shall decide the same in accordance with law, as expeditiously as possible, after giving an opportunity to the petitioner.

5. Accordingly, the Writ Petition is disposed. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

22nd June, 2017
skmr