

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.31672 & 31667 OF 2017

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they are being disposed of by this common order.

Both the writ petitions are filed by the same petitioner challenging the terms and conditions incorporated in bid document for providing house keeping services at IIIT Srikakulam and Ongole.

The bid document was issued inviting bids for the above work on 4.9.2017 stipulating the last date for uploading the documents online as 19.09.2017, submission of hard copies as 22.09.2017 and the technical bids are sought to be opened on 25.09.2017, whereas the price bid would be opened on 27.09.2017.

The petitioner states that he downloaded the tender documents, and was surprised to notice the terms and conditions incorporated therein. Hence, he filed the present writ petitions challenging the clause relating to prohibition of participating one bidder in more than one tender and also incorporating evaluation matrix for award of contract.

Learned counsel appearing for the petitioner submits that they should be left free to participate in any number of tenders as a single person or group of persons and evaluation by awarding marks is unknown to law.

Since the writ petitions are being considered at the stage of admission, this Court is not in a position to know the rationale behind incorporating such tender conditions.

However, a perusal of the conditions shows that they are equally applicable to all the tenderers and no discrimination is shown to any particular class of tenderers. It is for the employer to stipulate the conditions and making them applicable to all the tenderers. The petitioner is not barred from participating in the tender process, but he apprehends that he may not stand to the competition of other tenderers.

The apprehension of the petitioner cannot be called as proper ground for interference of this Court at the stage of submission of tenders. The terms and conditions of the tender are very clear for award of contract and they have been introduced in order to have more objectivity in evaluating the bids. *Prima facie*,

this Court is not satisfied with the submissions made by the petitioner with regard to the alleged arbitrariness of clauses in the tender notice.

Accordingly, both the writ petitions are dismissed. No costs.

JUSTICE A.RAMALINGESWARA RAO

18th September, 2017

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Note: Issue CC by three days.

