THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.33206 of 2017

ORDER:

The petitioner claims to be a Class I contractor, having experience in performing contract works since 1995. While so, the 3rd respondent invited tenders for restoration of Ramasamudram Tank, Venkatapur Village, Srirangapur Mandal, Jogulamba Gadwal District, under Mission Kakatiya Phase III Project. The period for completion of contract work is six months. Tender notice was issued on 24.08.2017. The estimated contract value is Rs.1,56,97,652/-. The intending bidders were supposed to submit the bids through e-procurement platform. The last date for downloading the bid document is 08.09.2017 at 03:00 PM, whereas the last date for receipt of bid was also on the same day at 05:00 PM. The validity of the bid period is 90 days. It appears that the petitioner and the 4th respondent along with others submitted the tenders. As per the bid document, the technical bid opening date was 08.09.2017 and the price bid opening date was 12.09.2017 at 11:00 AM. But it appears that the technical bid was opened on 27.09.2017 and the price bid was opened on 29.09.2017. The petitioner was not qualified though he became the lowest tenderer. He ascertained the reasons and came to know that he was disqualified on the ground that he has not uploaded the GST or CST Document and VAT Registration and Clearance certificate of the current year. He obtained the Clearance certificate from the Commercial Tax Officer, Miryalguda, after having paid the tax up to July, 2016 and the said certificate was valid for a period of 12 months from the date of issue. Challenging the disqualification of the petitioner, the present writ petition is filed.

This Court, by order, dated 05.10.2017, granted status quo and permitted the learned Government Pleader to produce the record. The learned Government Pleader, after perusing the record, submitted that the other tenderers have submitted the VAT Certificate valid for the current year, whereas the petitioner did not submit the VAT Certificate, but filed the VAT Certificate valid up to July, 2016 only.

The learned counsel for the petitioner submits that the said certificate is valid for a period of 12 months and in view of the introduction of GST, the petitioner need not submit the VAT Certificate. But till the introduction of GST, the VAT Certificate was in force and the petitioner could have obtained the VAT Certificate as on the date of filing of the tender. But it was not done. Now, the tendering authority felt that the petitioner did not comply with the terms and conditions of the tender and disqualified his tender on the ground of non furnishing of the mandatory certificate. In such circumstances, this Court cannot interfere with the decision taken by the tendering authority. This Court does not see any ground to entertain the present writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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A. RAMALINGESWARA RAO, J

12th October, 2017
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