

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 29561 of 2017

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

This Writ Petition is filed challenging the action of the respondents in not opening/accepting/allotting the work to the petitioner pursuant to the tender notification dated 18.07.2017 in spite of the petitioner fulfilling all the conditions of the tender.

The petitioner states that the respondents issued a tender notice on 18.07.2017 for the work of "formation of distributory D3 from Km 2.00 to Km 5.36 on L.F. Canal of P.P. Rao Project" near Kalwada village, Dahegaon Mandal, Kumuram Bheem Asifabad District. As per the tender notice, the last date for submission of required documents and price bid on line is 04.08.2017. The technical bids were stated to have been opened on 05.08.2017 at 11.00 AM, whereas the price bids were stated to have been opened on 09.08.2017 at 11.00 AM. The petitioner submitted his bid within the stipulated period. The petitioner states that without opening the technical bid and opening the bid of only one of the bidders, the respondents are going ahead with the award of the work to one bidder only. In those circumstances, he filed the above Writ Petition.

As could be seen from the papers filed by the petitioner, five tenderers submitted the bids including the petitioner. Learned Government Pleader submits that the technical bids were opened by the Superintending Engineer on the specified date and after evaluation of the five bids, the price bid was opened on 16.08.2017. It was noticed that out of five bidders, four bidders were disqualified as the credit facility

certificate under Annexure-I(B) was not furnished by them. Two bidders have raised objections regarding the tender and the petitioner also raised an objection on 16.08.2017 seeking consideration of his tender as qualified. Similarly, one Himasai Constructions also submitted a representation for considering its tender. Himasai Constructions was found to be qualified as it uploaded the signed copy of declaration and it was found to be genuine and correct. The petitioner's tender was disqualified as the petitioner has not furnished the bank credit facility certificate to the tune of Rs.124.00 Lakhs in accordance with Annexure-I(B).

The relevant Clause dealing with the furnishing of certificate under Annexure-I(B) or I(A) reads as follows:

“(B) Net Liquid assets/credit facilities of not less than Rs.124.00 Lakhs excluding the existing commitments from Banks shall be equivalent to 3 months estimated cash flow in peak construction period in the form of Annexure-I(B). For works costing less than Rs.2.00 Crores, the solvency certificate in the form of Annexure-I(A) may also be furnished.”

The proformas for Annexure-I(B) and I(A) were indicated in the tender notice and the said Annexures were also filed by the petitioner along with the material papers. The petitioner appears to have submitted a certificate of credit facilities for a sum of Rs.106.00 Lakhs issued in the year 2014 and he has not uploaded the requisite Aadhar card also. As per the tender Clause 3.3(B) extracted above, the bidder is supposed to upload the certificate of credit facility for Rs.124.00 Lakhs issued on the name of the work for three months. The petitioner could not show any proof of having uploaded such a certificate for a sum of Rs.124.00 Lakhs. In view of the same, this Court sees no reason to entertain the Writ Petition.

The Writ Petition is, accordingly, dismissed. 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.

A. RAMALINGESWARA RAO, J

Date: 01.09.2017
Nsr

