

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.22436 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“...to issue an order or direction more particularly one in the nature of writ of *Mandamus* declaring the action of the respondents herein in not permitting the petitioner to run the Tea and Tiffin Center at Srisailam Bus station on payment of the remaining due amount, in pursuance of the Letter in Proc.No:C2/ 437(60)/ 17-RM-Q, Dt 3-5-2017 as high handed and arbitrary action, unconstitutional, and as such liable to be set aside in the interest of justice with a consequential direction to the respondents to permit the petitioner to run his business of the Tea and Tiffin Center at Srisailam Bus station forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner and Sri A.Rama Rao, learned Standing Counsel for respondents and perused the prayer in the writ petition with supporting affidavit and other material on record.

Undisputedly, the petitioner became the highest bidder, but for, the initial amount, he did not pay the final bid amount, which is required to be paid, from which the impugned notice dated 03.05.2017 issued cancelling the bid before confirmation. It is a conditional contract and without fulfillment of the conditions, the contract is unenforceable statutorily even under the Indian Contract Act. However, it is subsequent to the filing of the writ petition on 06.07.2017 and service of the copy of the

writ petition to the Standing Counsel on 07.07.2017 by referring to the letter of the Standing Counsel dated 10.07.2017, the response given by the 2nd respondent to the Standing Counsel is that the next highest bidder is invited for negotiations and it is under process. Even from said written instructions, the second highest bidder process is not finalized.

Having regard to the above, this Court feels it just including to subserve the ends of justice and to save revenue of the A.P.S.R.T.C. to consider the representation of the petitioner, if the petitioner pays the remaining amount with additional amount of Rs.3,000/- towards loss of interest on the amount of the A.P.S.R.T.C. and to compensate otherwise, within one week from the date of receipt of copy of this order.

Accordingly, this Writ Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Dr. B. SIVA SANKARA RAO, J

Date:20-07-2017

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