THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.36870 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

"For the reasons stated in the accompanying affidavit, it is prayed that the Honourable Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus: (1) to declare the action of the respondents in disqualifying the tenders of the petitioner submitted pursuant to the following Tenders:

Sl No	Tender Id No.	IFB Number/Tender Notice No.	Name of the work	Estimation Cost Rs.	Bid Submission closing Date& time
1	142415	NIT No.43/1/Core net work/E-in-C (R&B) SH&MD, APRDC/2017-18, Dt.29.08.2017	Periodical Renewals from Km 0/0 to 2/6 of Kuppam-Gudupalli road to K.K.border (via) Gundlasagaram, Pogurupalli in Chittoor District	1,43,70,097	20/09/2017 03.30 p.m
2	142448	NIT No.43/2/Core net work/E-in-C (R&B) SH&MD, APRDC/2017-18, Dt.29.08.2017	Periodical Renewals from Km 2/6 to 5/6 of Kuppam-Gudupalli road to K.K.border (via) Gundlasagaram, Pogurupalli in Chittoor District	1,48,75,738	20/09/2017 03.30 p.m
3	142535	NIT No.43/2/Core net work/E-in-C (R&B) SH&MD, APRDC/2017-18, Dt.29.08.2017	Periodical Renewals from Km 5/6 to 8/6 of Kuppam-Gudupalli road to K.K.border (via) Gundlasagaram, Pogurupalli in Chittoor District	1,35,92,547	20/09/2017 03.30 p.m
4	142548	NIT No.43/4/Core net work/E-in-C (R&B) SH&MD, APRDC/2017-18, Dt.29.08.2017	Periodical Renewals from Km 8/6 to 11/0 of Kuppam-Gudupalli road to K.K.border (via) Gundlasagaram, Pogurupalli in Chittoor District	94,40,636	20/09/2017 03.30 p.m

as illegal and arbitrary, consequently to direct the official respondents to open and consider the price bids of the petitioner along with the other eligible tenderers for evaluating the price bids and to take further steps in the interest of justice and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

2) to declare the tender 'condition (iii) under para 3" in G.O.Rt.No.180 Transport, Road and Buildings (R1) Department, dt.19.06.2017 to the effect:

"iii) For all the works, irrespective of the cost, the bidders may be permitted to the either own or lease the said Batch type Hot Mix plant of 100/120 TPH capacity located within a distance of 100 Km from site of work and produce the necessary Documents at the time of submission of bid, if the work involves the component of DBM/BC."

as arbitrary and violative of Article 14 and 19(1)(g) of the Constitution of India, consequently to set aside the same and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case."

2. Heard the submissions of *Sri G.Rama Gopal*, learned counsel appearing for the petitioner; the learned Government Pleader for Roads & Buildings (AP) appearing for the respondents 1 to 6.

3. Learned counsel for the petitioner and the learned Government Pleader appearing for the respondents would submit that the issue involved in the present writ petition is squarely covered by the orders, dated 04.09.2017 passed in W.P.No.29778 of 2017.

4. In view of the above submissions and for the reasons alike as were mentioned in the afore-stated writ petition, this Writ Petition is disposed of giving liberty to the writ petitioner to raise objections regarding disqualification on unsustainable grounds before the 6th respondent within a period of one week from the date of receipt of a copy of this order. Needless to state that if any objections are raised before the 6th respondent by the petitioner, the same shall be considered and appropriate further action shall be taken in accordance with the procedure established by law, however, after giving opportunity to all the stakeholders.

Office is directed to enclose a copy of the order, dated 04.09.2017 passed in W.P.No.29778 of 2017 to this order.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

03rd November, 2017

Note:- Issue CC by 06.11.2017
(B/o)
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THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.36870 of 2017

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

03-11-2017

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते