

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38950 of 2017

ORDER:

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

“For the reasons stated in the accompanying Affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the order of 3rd respondent in R.C.No.G1/07/2017, dated 19.10.2017, where under cancelled the work order issued in favour of the petitioner in R.C.No.G1/07/2017, dated 12.09.2017 for supply of Blouse pieces issued for a period of one year, without notice and in gross violation of principles of natural justice and issuing consequential tender notification in R.C.No.G1/8068/2017, dated 08.11.2017 published in Eenadu District Edition on 10.11.2017 calling for fresh tenders by e-procurement-cum-sealed tenders, as bad, illegal, arbitrary, contrary to lease rules applicable and offends Articles 14 and 19 of Constitution of India and set aside the same and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *V.V.N.Narasimham*, learned counsel appearing for the petitioner, learned Government Pleader for Endowments appearing for respondents 1 & 2 and of Sri *Sreekanth Reddy Ambati*, learned Standing Counsel appearing for the 3rd respondent. I have perused the material record.

3. Learned counsel for the petitioner would submit as follows:
“The petitioner was given a work order for a period of one year based on specifications for supply of 80 centimetres blouse pieces. However, by the impugned proceedings, dated 19.10.2017, the tender of the petitioner was cancelled on the ground that the petitioner failed to supply first quality premier brand (plus) blouse pieces and that the blouse pieces being supplied by the petitioner are not matching the

sample, which is of best quality and that, therefore, the petitioner supplied low quality blouse pieces and violated the tender conditions. Aggrieved of such cancellation proceedings, the present writ petition is filed. The orders issued to the petitioner show that he is required to supply only premier blouse pieces but not premier (plus) blouses, as stated in the impugned cancellation orders. The cancellation orders were issued even without a prior notice to the petitioner and an opportunity of hearing. Hence, the same are liable to be set aside. After the writ petition has been filed, for the same reasons that he did not supply premier quality (plus) blouse pieces, but supplied low quality blouse pieces, he was blacklisted by proceedings, dated 17.11.2017.'

4. Having made submissions accordingly, learned counsel for the petitioner requested to set aside the impugned cancellation orders and direct the 3rd respondent to give a show cause notice and give an opportunity to the petitioner to submit an explanation to such show cause notice to enable the 3rd respondent Devasthanam to take a decision afresh in the matter. He would also submit that blacklisting orders may also be set aside consequently.

5. Learned Standing Counsel appearing for the 3rd respondent Devasthanam fairly submits that the impugned cancellation orders were issued without a prior notice, but he affirms that the quality of blouse pieces supplied is not according to the specifications and sample.

6. Having regard to the submissions, the Writ Petition is allowed and the order impugned in R.C.No.G1/07/2017, dated 19.10.2017, cancelling the tender of the petitioner for supply of blouse pieces for a

period of one year is hereby set aside and the 3rd respondent is directed to issue a fresh show cause to the petitioner within a week from the date of receipt of a copy of this order and afford an opportunity to the petitioner to give explanation to such show cause notice and consider the same and take a considered decision in the matter in accordance with the procedure established by law. The said exercise shall be completed within a period of two (02) weeks after the submission of the explanation by the petitioner. Till then, no further action be taken pursuant to the consequential tender notification in R.C.No.G1/8068/2017, dated 08.11.2017, which was published in newspapers on 10.11.2017. As the order blacklisting the petitioner is also a consequential order, it is also set aside as a sequel to these orders, however, reserving liberty to the 3rd respondent to proceed in the matter, in accordance with law, on a decision that may be taken eventually in the matter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 20th November, 2017

Note: Issue C.C. by tomorrow.

(B/o.)
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