

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITON No.18950 OF 2016**

**ORDER:**

The grievance of the petitioner is that the 3<sup>rd</sup> respondent issued Tender Specification No.CE/Kadapa/Zone in W.C.No.57/2015-16 in respect of work viz., carrying out operation & Maintenance including watch & ward, house keeping and gardening, MRT Assistance and assistance for Telecom of E.H.T. Sub-Stations and lines and CBD and SM Gangs for lines and sub-stations including conveyance with three ton van for CBD gangs on works contract basis in OMC & O&M Circle as per annexure-V. The 3<sup>rd</sup> respondent issued letter of indent from 01-06-2016 stating that construction of 400 KV sub station at Thalamanchipatnam Village, Mylavaram Mandal, Kadapa District, is proposing to conclude the agreement with the 4<sup>th</sup> respondent without calling for any tenders mentioned supra. Aggrieved by the said action of respondents 1 to 3 in allotting the works in respect of construction of 400 KV sub-station, Thalamanchipatnam Village in favour of 4<sup>th</sup> respondent without any tender notification, the present writ petition is filed.

Heard Sri Chandraiah Sunkara, learned counsel for the petitioner, who submits that the nature of work is already mentioned in annexure filed to the tender notification, now the respondents cannot allot 400 KV sub-station, Thalamanchipatnam Village, though it does not form part of

tender specification in W.C.No.57/2015-16. It is also submitted that as per clause-3 of general terms and conditions in the tender notification, even if clause-(a) is taken into account, 400 KV sub-station, Thalamanchipatnam Village cannot be allotted to the 4<sup>th</sup> respondent.

On the other hand, Sri N.Siva Reddy, learned Standing Counsel for respondent-Corporation and Sri O.Manohar Reddy learned counsel for the 4<sup>th</sup> respondent submits that as per Clause-3 (c) of general terms and conditions of tender notification new works during three years contract period as and when added in the respective area of work shall form a part of work and shall be awarded to existing contractor with the same terms and conditions of work awarded. As such, there is no need for issuance of fresh tender, since such allotment forms part of the earlier tender notification in terms of Clause-3 (c) of general terms and conditions.

In this case it is to be seen that Clause-3(c) reads as follows:

“ The new works during 3 years contract period as and when added in the respective area of work shall form a part of work and shall be awarded to existing contractor with the same terms & conditions of work awarded.”

In this case, it is to be seen that Clause-1 of Tender conditions i.e. name of the work reads as follows:

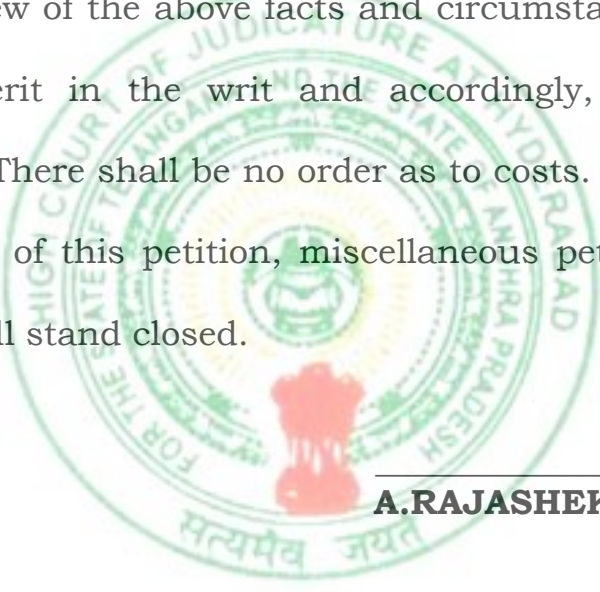
“Carrying out operation & Maintenance including watch & ward, house keeping and gardening, MRT Assistance and assistance for Telecom of E.H.T. Sub-

Stations and lines and CBD and SM Gangs for lines and sub-stations including conveyance with three ton van for CBD gangs on works contract basis in OMC & O&M Circle.”

The name of the work is clearly mentioned in carrying out operations and maintenance including watch & ward, house keeping and gardening, MRT Assistance and assistance for Telecom of E.H.T. Sub-Stations and lines and CBD and SM Gangs for lines and sub-stations including conveyance with three ton van for CBD gangs on works contract basis in OMC & O&M Circle. Now the work allotted is as per annexure V, though name of the work is clearly mentioned, Clause-3 (c) says that any new works during contract period will be added in the respective area of work shall form a part of work and shall be awarded to existing contractor with the same terms and conditions of work awarded. So the present 400 KV sub-station, Thalamanchipatnam Village can be termed as new work and action was initiated as per clause-3 (c) by the respondents 1 to 3 and this Court is satisfied that in terms of clause-3 (c), the respondents 1 to 3 have allotted work, though learned counsel for the petitioner also relied on clause a and b of general terms and conditions. Clause-3 (c) is very specific and clauses-a and b of general terms and conditions have no application and even in the specification as per terms and conditions, the scope of work includes watch and ward, house keeping and gardening. In view of the same, definitely this allotment of work of 400 kv sub-station

of Thalamanchipatnam Village is a new work as per Clause 3(c) and allotment of the same to the 4<sup>th</sup> respondent cannot be faulted and the respondents 1 to 3 have taken a decision under clause-3 (c) of tender specification in W.C.57/2015-16 and the petitioner has not challenged the clause-3(c) and more so, the petitioner has not participated in the tender process. This Court has already upheld the action of the respondents 1 to 3 in framing tender conditions regarding allotment of works in WP Nos 13242 and 22362 of 2015.

In view of the above facts and circumstances, I do not see any merit in the writ and accordingly, the same is dismissed. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.



**A.RAJASHEKER REDDY,J**

23-11-2017

Nvl



