

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.24408 of 2016

ORDER

Heard learned counsel appearing for the petitioners and learned Government Pleader for Medical, Health & Family Welfare appearing for the 1st respondent.

This writ petition is filed challenging the proceedings dated 2.7.2016 issued by the 2nd respondent accepting the tender of the 3rd respondent for running the medical shop in its premises.

The 2nd respondent invited tenders from the prospective bidders for running a medical shop in the hospital run by it on 4.4.2016 fixing the last date for submission of tenders as 19.4.2016. The petitioners as well as the 3rd respondent submitted their bids. The bids of the petitioners were rejected on the ground that they did not enclose the experience certificates and the bid of the 3rd respondent was accepted though it submitted the experience certificate on a plain paper. Challenging the proceedings issued in favour of the 3rd respondent, the present writ petition is filed.

The 2nd respondent filed a counter-affidavit stating that the 3rd respondent submitted the experience certificate under

the signature and seal of the Assistant Director, Drug Control Administration, Kadapa, dated 11.4.2016.

The tender notification stipulates the procedure for bid submission. The submission of retail experience certificate issued by the Assistant Director, Drug Control Administration of the respective place to the effect that the firm is having three years experience in selling medicines/surgical consumables, is one of the conditions for considering the tender.

As per the counter-affidavit filed by the 2nd respondent, the said condition is complied with by the 3rd respondent.

Learned counsel appearing for the petitioners raised oral objection with regard to non-submission of audited balance sheet and IT returns of the 3rd respondent for the preceding three financial years to establish the turnover of the bidder.

In the absence of any challenge to the said objection in the affidavit filed in support of the writ petition, the 2nd respondent did not state anything with regard to the same.

Today when the matter is taken up for hearing and it is about to be disposed of, learned counsel appearing for the petitioners sought time for filing additional affidavit.

This Court is not inclined to accede to such request.

In view of the oral objection raised by the petitioners which is not found to be tenable in the counter affidavit filed by the 2nd respondent, this Court sees no ground to entertain the present writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

18th April, 2017
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