

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41642 of 2017

ORDER:

In this writ petition, the complaint of the writ petitioner is with regard to the inaction of the respondents 2 to 6 in completing the technical evaluation of the bids submitted by the petitioner and other tenderers in relation to tender No.133523 issued by the 2nd respondent for "Widening and Strengthening of Gudur-Duggarajapatnam Road Km 0/0 to Km 0/3 in SPSR, Nellore District" in spite of opening the technical bid on 26.07.2017.

2. I have heard the submissions of Sri *M.V. Pratap Kumar*, learned counsel for the petitioner, the learned Government Pleader for Roads and Buildings appearing for the respondents 1, 3 to 6, and of Sri *Bathula Raj Kiran*, learned Standing Counsel representing the Andhra Pradesh Road Development Corporation, appearing for the 2nd respondent. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that if a direction is given to the 3rd respondent to complete the technical evaluation of the bids, as sought for in this writ petition, by considering the entire material before the said authority including the joint inspection report with regard to the distance of the Hot Mix Plant and the report of the Executive Engineer concerned, the ends of justice would be met.

4. Learned Government Pleader appearing for the respondents 1, 3 to 6 brings to the notice of the Court a letter, dated 06.12.2017, by the Superintending Engineer (R&B), R&B Circle, Nellore (4th respondent) to the Chief Engineer (R&B), CRN, Managing Director –

APRDC, Ibrahimpatnam, Vijayawada (3rd respondent), with regard to the disqualification of the technical bid as per tender evaluation bid, dated 07.08.2017, of the petitioner, for taking necessary action by the 3rd respondent. However, it is fairly conceded that the 3rd respondent has not taken any decision so far in the matter and that subsequently there is a joint inspection with regard to the distance of the Hot Mix Plant and there was also a report of the Executive Engineer concerned.

5. Having regard to the facts and submissions, the Writ Petition is disposed of directing the 3rd respondent to complete in strict accordance with the procedure established by law, the technical evaluation of the bids of the petitioner and other tenderers in relation to the subject work, as prayed for in the writ petition, as expeditiously as possible, preferably within a period of two (02) weeks from the date of receipt of a copy of this order, however, after taking into consideration the entire material before the said authority including the joint inspection report, the report of the Executive Engineer concerned and the terms of the G.O.Rt.No.180, Transport, Roads & Buildings (R.I) Department, dated 19.06.2017.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE M. SEETHARAMA MURTI

Date: 18th December, 2017

Note: Issue C.C. by 22.12.2017.

(B/o.)
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Date: 18th December, 2017

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