THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41519 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, it is prayed that the Hon'ble Court may be pleased to issue a writ, order or a direction, more particularly one in the nature of Writ of Mandamus declaring that the action of Respondent authorities in rejection of the Tender documents in participating the tender notification E-in-C (R&B) Roads. NIT No. 1718/5/DCE®/ EE® / DEE 7/ AEEI/2017 dated 18.10.2017 on the ground of non-submission of final income tax returns even though uploaded the provisional income tax returns and Solvency Certificate is not in their format and not allowing to participate in the bids is as highly arbitrary, unsustainable, against law as well as principles of natural justice and consequently set aside the same and direct the Respondents to allow the Petitioner to participate in the bid and to consider their tender on par with other tenderers for the work of Reconstruction of HLB at km 2/6 in Gandugulapally - Aswaraopeta road in Khammam District and pass such other and further reliefs 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 *K.B.Ramanna Dora,* learned counsel for the petitioner, and of the learned Government Pleader for Roads and Buildings appearing for the respondents 1 to 4. I have perused the material record.

3. The grievance of the writ petitioner mainly is that he is not being permitted to participate in the tender process only on the ground that the Income Tax returns have not been uploaded for the relevant assessment year.

4. Learned counsel appearing for the petitioner brings to the notice of the Court that so far as the current year, copy of the provisional assessment return is submitted and that insofar as the earlier years, copies of the final assessment returns are submitted in PDF format along with the application and, therefore, the disqualification of the petitioner is not in accordance with facts and law.

5. Learned Government Pleader, on written instructions, would submit that the petitioner has not submitted the bid document and necessary documents for the bid by uploading the same online and that the petitioner is aware that hard copies will not be considered and that except the petitioner, all other bidders uploaded latest Income Tax document (SARAL) i.e., for the Assessment Year 2017-18 and except the petitioner, all others have participated, having uploaded latest Income Tax document also.

6. I have carefully gone through the record. From the material produced along with the writ material papers, it is manifest that as being contended by the writ petitioner, all the necessary documents are submitted and, hence, the rejection of the case of the petitioner by the concerned authority is *prima facie* untenable. In that view of the matter, this Court is of the considered view that the request of the petitioner merits consideration.

7. Accordingly, the Writ Petition is allowed as prayed for.

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
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WRIT PETITION No.41519 of 2017

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