

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.6692 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India,  
for the following relief:

“To issue a writ order or a direction more particularly one in the nature of Writ of Mandamus declaring the rejection orders dated 21 02 2018 in LPG/GRC/PC-001/17- 18 of 6th respondent and letter of acceptance in Letter No CPO/LPG/VIZ dated 11-12-2017 issued by the 2nd respondent in favour of 5th respondent and the decision making process of awarding the tenders in the Tender No 17000237-HD-10157 in the matter of Transportation of Packed LPG Cylinders Ex Visakhapatnam Bottling Plant issued by the official respondents as being arbitrary illegal unreasonable discriminatory violative of Article 14 of the Constitution of India and consequently set-aside the said orders dated 21 02 2018 of 6th respondent and the orders dated 11 12 2017 of the second respondent and also set aside the said tender notification as it is vitiated by arbitrariness with a further direction to the official respondents to issue fresh tenders for Transportation of the Packed LPG Cylinders Ex Visakhapatnam Bottling Plant.”

2. Heard the learned counsel for the petitioners Sri A.Giridhar Rao and Sri B.Mayur Reddy for the respondent Corporation.

3. Earlier, the petitioners herein filed W.P.No.1324 of 2018, assailing the Letter Of Acceptance issued by the second respondent dated 11.12.2017 in favour of the unofficial respondent. This Court, dismissed the said writ petition, by way of an order dated 22.01.2018, permitting the petitioners to submit complaint before the Grievance Reddresal Mechanism under Clause 41 of the General Terms and Conditions of the Tender, within a period of one week from the date of receipt of a copy of the said order and with a further direction to the respondents to pass appropriate orders within a period of two weeks thereafter after giving opportunity to all the stakeholders as per law. Petitioners herein subsequently made a representation on 31.01.2018 before the Grievance Reddresal Mechanism in terms of the above said order.

4. Now by way of the order impugned dated 21.02.2018, the Grievance Reddressal Mechanism rejected the claim of the petitioners herein. According to the learned counsel for the petitioners, the impugned action on the part of the respondents is highly illegal, arbitrary and in contravention of the tender conditions. It is the specific contention of the learned counsel for the petitioners that the impugned action is in contravention of Clause xi of Condition No.9 of Tender Conditions. In elaboration, it is submitted by the learned counsel that as per the said Clause the unofficial respondent herein did not enclose the certificate in proof of his caste along with the tender. It is further submitted that the unofficial respondent herein also did not submit any application in proof making a request before the appropriate authority for issuance of caste certificate. It is also brought to the notice of this Court that in view of scarcity of trucks, the respondent authorities have permitted the petitioners to transport till 28.02.2018.

4. On the other hand, it is submitted by the learned Standing Counsel, Sri Mayur Reddy that in view of the alternative remedy available to the petitioner herein by way of appeal to the second level of Grievance Reddressal Mechanism and since various factual aspects are required to be gone into, the petitioner herein can avail the said remedy. The copy of the addendum placed before this Court at the time of hearing shows that Clause 4.5 and 4.6 provide for filing of appeal before the Second Level of Grievance Reddressal Mechanism.

5. In view of the said alternative remedy available, this Court deems it appropriate to dispose of the writ petition, keeping it open for the petitioners herein to avail the said remedy by filing appeal before the Second Level of Grievance Reddressal Mechanism, within a period of one week from the date of receipt of a copy of this order, and if any such appeal is filed before the

Second Level of Grievance Reddressal Mechanism, the same be considered and appropriate orders be passed, strictly in accordance with law, after giving notice to all the stake holders, within a period of two weeks thereafter.

6. Accordingly, the writ petition is disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date:28.02.2018  
Grk

A.V.SESHA SAI, J



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.6692 of 2018

Dated 28.02.2018

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