

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.20751 of 2017

ORDER:

Being aggrieved of the fresh tender notification no.SE/ TSEWIDC/ HYD/ 13/ 2017-18, dated 05.06.2017, issued by the respondents and seeking directions to follow the tender process, as notified earlier *vide* tender notification no.SE/ TSEWIDC/ HYD/ 13/ 2017-18, dated 01.04.2017, the present writ petition filed.

2. Heard *Sri P.Srinivasulu*, learned counsel appearing for the petitioner, learned Government Pleader for School Education appearing for the 1st respondent, and of *Sri A.Yadava Reddy*, learned Standing Counsel appearing for the respondents 2 to 4/ TSEWIDC. I have perused the material record.

3. The main grievance of the writ petitioner is that the respondent authorities, having examined and determined the bids and having technically found that the petitioner is qualified, are acting contrary to the terms and conditions of the notification; that they are neither cancelling the tender process nor giving any communication to the bidders as obligated under law; that they had illegally issued a fresh tender notification, dated 05.06.2017, for the same work without finalizing the notification, dated 01.04.2017; that by the fresh notification they had altered the solitary condition no.8, with regard to requirement of a certificate from Chartered Accountant supported with Annual Balance Sheet tallying with IT clearance certificate & Profit & loss account for the last five financial years; that they notified in the fresh notification that a 'Certificate is required from a Chartered Accountant for annual civil work turnover in any one year during the last

5 financial years 2012-13 to 2016-17 supported with annual balance sheet tallying with I.T clearance certificate & profit & loss account for which the bidder wishes to consider for bid capacity and evaluation'; and, that the said alteration was done in order to award the contract to their men by the fresh tender process.

4. On 27.06.2017, this Court passed the following order:

“xx xxx xxxx xxx xxx xxx

As seen from the record, last date for receipt of bids is 18.04.2017, on which date the petitioner submitted his bid through online. The case of the petitioner is that without opening the financial bid as contemplated on the earlier tender notification, a new tender advertisement to the very same work came to be issued on 05.06.2017 and the last date for quoting the price bid is 29.06.2017.

The grievance of the petitioner is that without finalizing the earlier bid, the respondent authorities are proceeding further with the new notification.

Having regard to the above, post after one week.

Meanwhile, respondents shall not proceed with the process of tender pursuant to the notification issued in the month of June, 2017.”

5. Learned Government pleader submits as follows:

The proposed work is 'Renovation and Up-gradation of existing facilities to the college building in Indira Priyadarshini Degree & PG College, Nampally, Hyderabad'. In the bid, dated 01.04.2017, it was inadvertently published that a 'certificate from Chartered Accountant supported with Annual Balance Sheet tallying with IT clearance certificate and Profit & loss account for the last five financial years' is required. The said error is purely a typographical error. Hence, fresh bids were invited duly altering the said bid clause no.8. Petitioner cannot gain unlawfully from the anomaly. The 3rd respondent cancelled the notification on administrative grounds through e procurement

platform by posting the same on the said platform *vide* memo dated, 25.05.2017. The same amounted to sufficient notice. It was decided to re-invite bids by providing equal opportunities to all the prospective bidders. The petitioner did not challenge the cancellation proceedings. There is no collusion. The allegations of the petitioner that the fresh notification is given to select a person of the choice of the respondents is false and baseless.

5.1 He finally submits that the 90 days period in respect of fresh notification had elapsed; and hence, the respondent authorities are not going to process the fresh notification in question and that issuance of a fresh notification inviting bids is under contemplation and that in that view of the matter no orders are necessary in this writ petition.

6. Recording the above submissions the writ petition is disposed as infructuous. As a sequel, the interim order stands vacated.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

15.06.2018
RAR