

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

I.A.No.2 of 2018 in I.A.No.1 of 2018 in

WP.No.16699 of 2018

And

I.A.No.4 of 2018 in I.A.No.1 of 2018 in

WP.No.16699 of 2018

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COMMON ORDER :

Heard the counsel for petitioner, Sri G. Seshadri counsel for 4th respondent, and Sri V. Raghu, counsel for respondent nos.5 to 24.

2. The petitioner has assailed the action of respondents in not accepting petitioner's tender application sought to be submitted pursuant to notification ROC.No.03/2018 dt.20.01.2018, published on 30.01.2018 in Praja Shakthi Newspaper, by giving only one day time for submission of tender in regard to work of supply of water and maintenance in the 4th respondent-Gram Panchayat.

3. It is not in dispute that the tender notice No.03/2018 dt.20.01.2018, issued by 4th respondent-Gram Panchayat, was published only on 30.01.2018 and that the last date for submitting tenders was 31.01.2018 at 10:00 a.m.

4. The counsel for petitioner contends that the time granted to file tenders is grossly inadequate, and the 4th respondent cannot make any allotment of work in relation to supply of water and maintenance thereof on the basis of the said tender.

5. Having regard to the said contentions of the counsel for petitioner, on 06.06.2018 in I.A.No.1 of 2018 in WP.No.16699 of 2018 the following interim order was passed :

“Prima facie, publication of tender notice dt.20.01.2018 in Praja Sakti newspaper on 30.01.2018 directing tenders to be filed by 31.01.2018 by 4th respondent appears to be clearly arbitrary and illegal since reasonable time is to be given to the persons, who wish to file tenders to the said tender notice.

Therefore, there shall be interim stay as prayed for.”

6. I.A.No.2 of 2018 is filed by the 4th respondent to vacate the said order; and I.A.No.4 of 2018 was filed by respondent nos.5 to 24, who are impleaded on 20.08.2018, to vacate the order dt.20.09.2014 passed in WPMP.No.35285 of 2014 in WP.No.28180 of 2014.

7. In the counter-affidavit filed by 4th respondent, it is the contention of 4th respondent that notification about the tender was put up in the Office of the Gram Panchayat, but paper publication of the said tender notice was made only on 30.01.2018 as contended by the petitioner. It is however alleged that petitioner knew about the tender notification and he was a regular visitor to the Gram Panchayat office.

8. It is also stated that 98 tenders were filed, out of which 49 tenders were accepted, and they had joined in their respective works on 01.04.2018 and continuing the work.

9. The respondent nos.5 to 24 also reiterated the said contentions through their counsel Sri V. Raghu.

10. The plea of respondents that petitioner was well aware of the above facts cannot be countenanced, particularly when there is no evidence of such visits of the petitioner to the Gram Panchayat office, adduced by the 4th respondent.

11. When the paper publication is published on 30.01.2018, an intending tenderer cannot be expected to file a tender for the work notified by the next day, i.e., 31.01.2018.

12. Therefore, I am of the opinion that the time granted to the intending tenderers to file tenders was grossly inadequate, and the 4th respondent cannot deprive persons like petitioner of an opportunity to participate in the tender for the work of supply of water and maintenance in the Gram Panchayat.

13. Accordingly, the Writ Petition is allowed. The impugned tender notice insofar as the work of supply of water and maintenance in the 4th respondent, granted by the 4th respondent to respondent nos.16 to 23 is set aside.

14. The 4th respondent is directed to issue advertisement in a local newspaper giving sufficient time for intending tenderers to file their tenders in respect of the said work within a period of four (04) weeks from today.

15. Till such award of fresh tender by the 4th respondent in regard to the said work, the respondent nos.16 to 23 shall be permitted to carry on the work of supply of water and maintenance and shall be

entitled to be paid wages by the 4th respondent for the said period. No order as to costs.

16. Consequently, I.A.No.2 of 2018, filed by the 4th respondent to vacate the order dt.06.06.2018 passed in I.A.No.1 of 2018 in WP.No.16699 of 2018; and I.A.No.4 of 2018, filed by respondent nos.5 to 24 (who were impleaded on 20.08.2018), to vacate the order dt.20.09.2014 passed in WPMP.No.35285 of 2014 in WP.No.28180 of 2014, are dismissed.

17. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27.08.2018

Ndr/*

