

The Hon'ble Sri Justice Abhinand Kumar Shavili

Writ Petition No.17344 of 2018

Date: 10.05.2018

Order:

This Writ Petition is filed seeking a writ of *Mandamus* declaring the action of respondent No.2 in issuing proceedings *vide* Ref.No.CCS/37/2018, dated 26.4.2018, to blacklist the petitioner and to recover a sum of Rs.5,57,12,520/- from it without issuing any notice, as arbitrary and illegal and consequently, to set aside the same.

Heard Sri S.Satyam Reddy, learned Senior Counsel appearing for the petitioner, and the learned Government Pleader for Civil Supplies (AP) appearing for the respondents.

It is contended by the petitioner that it was awarded a contract of Aadhar Enabled Public Distribution System *vide* tender reference No.APTS/HWPI/8013/AePDS/2014, dated 19.7.2014, and during the period of the said contract, the respondents had terminated the same *vide* order, dated 13.3.2018, and initiated steps to blacklist the petitioner and also to recover a sum of Rs.5,57,12,520/- from it.

Learned Senior Counsel appearing for the petitioner has contended that the petitioner has submitted a representation to the respondents on 02.5.2018 through *e-mail*.

However, neither a copy of the said representation has been filed as a material paper nor any acknowledgment thereof has been placed before this Court. When the said lapse is pointed out by this Court, the learned Senior Counsel requested to permit the petitioner to submit a fresh representation to the respondents within one week from the date of receipt of a copy of this order and submitted that the respondents may be directed to dispose of the same, after giving an opportunity of hearing to the petitioner, within a reasonable time.

Learned Government for Civil Supplies (AP) appearing for the respondents has contended that the contract executed by the petitioner was not satisfactory and that the devices supplied by it were defective. As a result, the respondent-Corporation had to incur heavy expenditure to replace the defective devices. Therefore, no interference is called for by this Court in the impugned proceedings.

Having considered the rival submissions made by both the parties without expressing any opinion on the merits of the case, this Court is of the considered view that ends of justice would be met, if the Writ Petition is disposed of by permitting the petitioner to submit a fresh representation within one week from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider it and pass appropriate orders thereon within four weeks thereafter. The respondents are further

directed not to encash the bank guarantee furnished by the petitioner till appropriate orders are passed on the representation of the petitioner.

Subject to the above directions, the Writ Petition is disposed of, however, without any costs.

As a sequel to disposal of the Writ Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Abhinand Kumar Shavili, J)

Dt: 10th May, 2018
lur/dr

