

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

WRIT PETITION Nos.20840 & 21025 of 2018

COMMON ORDER:

Since these two matters are inter-related, this Court deems it appropriate to dispose of them by way of this common order.

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Sri M.S.P.Kama Raju, learned counsel, appearing for the respondents, apart from perusing the material on record.

The complaint of the petitioners, in these two Writ Petitions, is that, in violation of the statutory Rules, namely A.P.Municipalities Tender Rules, 1967 (for brevity, 'the Rules'), notified vide G.O.Ms.No.620 Municipal Administration, dated 07.10.1967, as amended by G.O. Ms. No.214, dated 29-5-1974, the respondent-Municipal Corporation authorities have awarded the works contract in favour of the unofficial respondents. The State Government issued the above said Rules, in exercise of the powers conferred under Clause (a) of sub-Section (2) of Section 326, read with Section 44 of the Andhra Pradesh Municipalities Act, 1965. According to Rule 3 (1) of the Rules, it is obligatory on the part of the Commissioner to invite tenders for every contract for execution of the work in

case the estimated cost exceeds Rs.2000/-. The only exception to the said Rule is with regard to the works pertaining to National Emergency. The procedure for invitation of the tenders and for execution of the same is stipulated under Rules 4 to 12 of the Rules. This legal position is not in dispute.

When the matter is taken up, written instructions, furnished by the Commissioner, Kadapa Municipal Corporation-second respondent herein, vide ROC.No.121/F1/2018, dated 04.07.2018, are placed on record by Sri S.D.Goud, learned Standing Counsel, stating that certain agencies entered into agreements with effect from 01.06.2018. When the statutory Rule is very much clear, with regard to the procedure to be adopted for awarding the municipal contractual works, it is not open for the respondent authorities to award the same by nomination basis.

For the aforesaid reasons, Writ Petitions are allowed, setting aside the orders, dated 31.05.2018, with a direction to the second respondent-Kadapa Municipal Corporation to follow the procedure, contemplated in the above said Rules, and complete the same within a period of four weeks from the date of receipt of a copy of this order. However, till the said exercise is completed, the existing agency shall be continued. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions in these Writ Petitions, if any, shall stand closed.

11th July, 2018
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A.V.SESHA SAI,J

