

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN**

WRIT APPEAL NO. 1019 of 2018

Judgment: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellant and Sri A. Yadava Reddy, learned Standing Counsel for the respondents 2 to 4.

2. Learned counsel for the appellant-writ petitioner argued that the learned Single Judge is unjustified in closing the Writ Petition by holding that the issues therein have become infructuous.

3. Sri A. Yadava Reddy, learned Standing Counsel for the respondents 2 to 4, submitted that the subsequent contracts relied on are not essentially those which are in relation to the work which was originally brought for tender.

4. Whatever be the niceties of different tenders, the fact of the matter remains that the last one of the tender has run out its life and if the Writ Appeal were to be allowed in favour of the writ petitioner, it would open up the situation relating to an invitation of tenders, made way back in April, 2017. In our considered opinion, it is not within the judicial domain to embark upon such an exercise, particularly because we are not aware as to the probable cost escalation or any other add on components in the process. We also see that this is not one of those statutory contracts which would fall within the writ jurisdiction under Article 226 of the Constitution of India.

5. For the aforesaid reasons, without expressing anything on the merits of the appellant-writ petitioner's claim to participate in the tenders and noticing that the earlier tenders which are referred to in the Writ Petition and the Writ Appeal, do not further survive, to be proceeded with, the Writ Appeal is dismissed.

Pending miscellaneous petitions, if any, shall also stand closed.

No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

V. RAMASUBRAMANIAN, J

Date: 1st August, 2018

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