

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.25900 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking a writ of mandamus declaring the action of the second respondent in rejecting the technical bid of the petitioner in tender notice No.08/2017-18, dated 07.07.2017, for the project namely "Providing MVS scheme to Nandyal & Gopadu Mandals in Nandyal Constituency in Kurnool District" and the subsequent action of respondents 1, 2 and 4 in refusing to consider the representation of the petitioner, dated 29.07.2017, as illegal, arbitrary and violative of the provisions of the Constitution of India. Further, a consequential direction to the respondents was sought to set aside the disqualification of the technical bid of the petitioner and consider the price bid of the petitioner along with those of the other tenderers.

I have heard the submissions of Sri T.Bala Mohan Reddy, learned Counsel for the petitioner, of Sri M.S.Prasad, learned Senior Counsel appearing for Sri Satyasiri Atluri, learned Counsel for the fifth respondent, and of the learned Government Pleader for Panchayat Raj, appearing for respondents 1 to 4. I have perused the material on record.

At the time of hearing, learned Senior Counsel appearing for the fifth respondent stated that on the rejection of the technical bid of the petitioner, the petitioner filed this Writ Petition; but, later, the tenders were finalized; the fifth respondent became the successful tenderer; he was entrusted with the work; he executed the work upto 80% as on today; therefore, the cause in the Writ Petition does not

survive for adjudication; and, hence, the Writ Petition is liable for dismissal.

Learned Counsel for the petitioner does not dispute the afore-stated submissions of the learned Senior Counsel. Learned Government Pleader for Panchayat Raj endorses the submissions of the learned Counsel for the fifth respondent.

Having regard to the submissions and considering the fact that 80% of the work has already been completed, after the work had been entrusted to the fifth respondent, this Court finds that the disposal of the Writ Petition on merits would only be a futile exercise as no sufficient and substantial cause survives for adjudication in the Writ Petition.

In the result, the Writ Petition is dismissed. Any interim order granted in any interlocutory application shall stand vacated.

The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

25.06.2018
vs

M.SEETHARAMA MURTI, J