

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.37026 OF 2018

DATED :08.11.2018

Between :

S. Gangadhar S/o.Bhaskar Rao,
Aged about 50 yrs, Occu : Business,
R/o.H.No.2-29, Opp : Post Office,
Govindaraopet Village and Mandal,
Jayashankar Bhupalpally District,
Rep., by his GPA Holder, Errabelli Jagannath
S/o.Sampath Rao, Aged about 32 yrs,
Occu : Business, R/o.H.No.35-6-718/401,
Shanthiniketan Residency,
Amaravatinagar, Hanamkonda,
Warangal Urban District & others.

..
Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Civil Supplies Department,
Secretariat, Hyderabad & others.

..
Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.37026 OF 2018

ORDER :

On 29.08.2018 a tender notice was issued to award contract for transporting of Paddy and gunny stocks under MSP Operations for the year 2018-19 (Both Kharif & Rabi). Petitioners as well as respondents 5 and 6 have participated in the tender process.

2. This writ petition is filed by the petitioners alleging that ignoring the tenders submitted by the petitioners, and even though respondents 5 and 6 are not qualified, the respondent authorities committed irregularity in accepting the tenders submitted by them, in respect of Sectors Warangal-I and Narsampet I & II respectively, as illegal.

3. Heard learned counsel for the petitioners, Sri A. Jagan, learned Standing counsel for respondent No.2 and Sri K.Durga Prasad, learned counsel for respondents 5 and 6.

4. According to learned counsel for the petitioners, 5th respondent is not qualified to participate in the tender process as he stood as a guarantor for the loan taken by M/s.Bhadrakali Industries and as per clause 10 (c) he suffers disability to participate. It is further contended that the 6th respondent is an unregistered partnership firm and two partners were inducted two days before the tender notification and the same is illegal. In support of his contention learned counsel for the petitioners, placed reliance, on clauses 10 (c) (e) and (f) of tender conditions.

5. Learned counsel representing respondents 5 and 6 submits that the 5th respondent has retired from partnership firm vide retirement deed, dated 04.08.2018 and he ceases to be having any relationship with M/s.Bhadrakali Industries. He would submit that the entire loan obligation of M/s.Bhadrakali Industries was already settled.

6. With reference to clause 10 (e) and (g) it is seen that though as per clause (g) the partnership firm requires to be registered, there is no further embargo in induction of partners and admittedly two partners were inducted two days before the commencement of tender process.

7. Paragraph 10 (e) of the tender conditions would also show that it does not require any registered documents nor an affidavit signed by a particular partner nominating the Managing Partner to represent the partnership firm.

8. A combined reading of clauses (e) and (f) makes it clear that there is no requirement of firm registration for reconstituted partnership firm for the purpose of accepting the tender submitted by the firm, nor it requires any registration or authorization by the partners of the firm, in favour of Managing partner.

9. From a reading of this clause and in view of the stand taken by the unofficial respondents in their counter affidavit, the contention of learned counsel for the petitioners, merits no consideration and is liable to be rejected.

10. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

8th November, 2018
Rds

P.NAVEEN RAO,J

