

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 37745 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the fourth respondent in passing orders dated 03.04.2018 vide R.C.No.72/ 2016-17/ EE/ (WSM-III)GVMC disqualifying the first petitioner firm from participating any tenders in Greater Visakhapatnam Municipal Corporation (hereinafter referred to as "GVMC") and Visakhapatnam Industrial Water Supply Company (hereinafter referred to as "VIWSCO"), without any notice and without affording any opportunity of hearing as illegal, arbitrary.

2) The order of disqualification, dated 03.04.2018 came to be passed not only against the petitioners but also against one ACPE Infrastructure Private Limited, from participating in any tenders of GVMC and VIWSCO. Challenging the said order dated 03.04.2018, the ACPE Infrastructure Private Limited, filed writ petition vide W.P.No.17644 of 2018. After referring to all the authorities on the subject, more particularly with regard to blacklisting of the petitioner therein being without following due process of law, the said writ petitions were allowed setting aside the impugned order dated 03.04.2018

only to the extent of blacklisting the petitioner therein to execute further works to participate in further tenders in GVMC and VIWSCO. The writ petition is dismissed insofar as other issues ie. cancellation of subject works contracts and forfeiture of the E.M.Ds.

3) It is also to be noted here that subsequent to the impugned order, petitioners were given another work on 28.09.2018 by GVMC. Since the case of the petitioners stand on the same footing as that of the petitioner in W.P.No.17644 of 2018 and in view of the subsequent proceedings in Rc.No.2018-Enq08-CB-127, dated 28.09.2018, the writ petition is allowed, setting aside the proceedings dated 03.04.2018 vide R.C.No.72/ 2016-17/ EE/ (WSM-III)GVMC.

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

JUSTICE C. PRAVEEN KUMAR

27.12.2018
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