

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No. 38153 of 2018**

**ORDER:**

1) The present Writ Petition came to be filed questioning the eligibility criteria fixed in the tender schedule of the six tenders referred to under:

i) Tender ID No.227423 for raising of 40,800 plantation of the buffer zone along the compound wall of length 24.50 kms and width 15 mts at APIIC premises, Atchutapuram (ii) Tender ID No.227395 for raising of 29,400 plantations in the existing power corridor of length 8.8 kms and width 30 mts at APIIC premises, Atchutapuram (iii) Tender ID No.215875 for raising of 5,000 avenue and block plantation in various locations at Visakhapatnam (iv) Tender ID No.215908 for raising of 29,000 block plantation in open space in APSEZ western sector of area of 20 acres near sto Gurajapalem Durgamma temple and APIIC lands available gap areas adjacent to Marturu (v) Tender ID No.215892 for raising of 16,000 avenue plantation in the APIIC, Atchutapuram and (vi) Tender ID No.219310 for maintenance of greenery in VUDA city Central Park.

2) The main ground urged by the learned counsel for the petitioner is that the schedule conditions were incorporated only to favour the 5<sup>th</sup> respondent. According to him, since the work to be executed is for "afforestation", the 5<sup>th</sup> respondent who has no experience in afforestation and avenue and block plantation works, the said conditions came to be incorporated and hence seeks quashing of all the tender notifications.

3) Learned standing counsel for the respondent/Visakhapatnam Urban Development Authority, on instructions states that the petitioner is not entitled for the relief since he never came forward with the said request at the earliest point of time. Having failed in his attempts to get qualified in the four out of six tenders, which were opened, he has come forward with the present writ petition.

4) It is to be noted here that pursuant to the notification issued on 30.08.2018, the petitioner herein along with 5<sup>th</sup> respondent and others, submitted their tender forms before the date of expiry, which was in the month of September, 2018. Thereafter, the technical bids in respect of four tenders came to be opened on 18.09.2018. Insofar as other bids are concerned, the same are to be opened today including the financial bid. It is to be seen that if really the petitioner was aggrieved by the conditions

imposed in the notification, nothing prevented him to approach the appropriate authority or the Court at the earliest point of time. After rejection of four out of six bids, for producing a fake document, the petitioner approached this Court questioning the tender conditions. The learned Standing counsel submits that the petitioner herein submitted a certificate showing as if one Gompa Jyothi, who is a Graduate in Horticulture, as his employee. On coming to know about the same, the said Jyothi made a representation to the D.F.O., UFD Wing, VMRDA, Visakhapatnam, stating that the certificates furnished by her at the time of seeking employment in VUDA, were misused and that she has no connection with the petitioner. She further came to know that the petitioner, with a motive to benefit himself, misused her certificate. Basing on the said letter D.F.O., ordered an enquiry. The fact that the certificates came to be enclosed along with tender notification and that the said Jyothi has no connection with the same, is not disputed by the learned counsel for the petitioner. On the other hand, the counsel pleaded that by mistake, it has been enclosed and that the same was also intimated to the authorities.

5) Having regard to the above, it is very clear that the petitioner herein having participated in the tender process by

submitting his application enclosing the degree certificate of one Padma, who has nothing to do with the petitioner, and also did not question the tender conditions. Only after four, out of the six tenders submitted by the petitioner were rejected, he filed the present writ petition, questioning the tender conditions. Though the writ petitioner pleads ignorance of rejection but documents produced indicate the same. It is also to be noted here that it is not only the 5<sup>th</sup> respondent, who participated in the tender, but there are many others, who participated in the tender and none of them expressed any grievance against the same. Hence, I see no merits in the writ petition and the same is liable to be dismissed.

6) Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. As a sequel to it, miscellaneous petitions pending if any, shall stand closed.

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**JUSTICE C. PRAVEEN KUMAR**

Dt:24.10.2018

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