

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 2121 of 2017

ORDER:

Alleging violation of the order, dated 06.04.2017 passed by this Court in Writ Petition No.12014 of 2017, this Contempt Case has been filed.

The above-said Writ Petition has been filed to declare the action of the respondents in disqualifying the petitioner, though the orders passed in Writ Petition No. 46886 of 2016, dated 04.01.2017 squarely cover the issue, as illegal and arbitrary and to direct the respondents to consider the bid of the petitioner as eligible and award the tender notification in Tender ID No. 95051, dated 18.01.2017 issued by the 3rd respondent therein in favour of the petitioner.

While entertaining the said Writ Petition along with three other Writ Petitions filed by the petitioner, this Court issued notice and passed the following order:

“ There shall be stay of issuing work orders in favour of the successful bidders, who alleged to have quoted in excess of the estimated value, whereas the petitioner's tender is discounted tender.”

Despite the said order, now, the case of the petitioner is that the respondents have issued proceedings on 20.09.2017 awarding contract in favour of EPR Constructions, Nandyal.

A counter-affidavit has been filed by the 3rd respondent – Superintending Engineer, (R & B) Circle, Kurnool, categorically asserting that the petitioner's bid was disqualified on the ground that it has furnished false information regarding the cases pending against it. It has been further stated that the Chief Engineer,

R & B Rural Roads, Andhra Pradesh has accepted the tender of M/s EPR Constructions, Nandyal at (+) 3.33% over estimate rates *vide* Memo No. 360/DCE (RR)/EE (RR)/DEE4 (N)/AEE1/RRPLAN-16-17, dated 30.03.2017 and the 3rd respondent has issued the work order to conclude the agreement on 31.03.2017 before the order dated 06.04.2017 was passed in the Writ Petition. It has been further stated that though the work order was issued, keeping in view the order dated 06.04.2017, the agreement was not concluded and that further action would be taken as per the directions of the Court. Hence, it is submitted that the respondents have not committed any contempt.

In the light of the averments in the counter-affidavit, to the effect that though the work order was issued to M/s EPR Constructions, Nandyal prior to passing the order complained of, the agreement was not concluded, in view of the order passed by this Court in the Writ Petition, and that further action would be taken as per the directions to be issued by this Court, it cannot be said that the respondents have violated the order dated 06.04.2017 in the Writ Petition.

In that view of the matter, the Contempt Case is closed.

CHALLA KODANDA RAM, J

02nd April 2018

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