

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 2120 of 2017

ORDER:

Alleging violation of the order, dated 06.04.2017 passed by this Court in Writ Petition No.12063 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. 79223, dated 15.11.2016 issued by the 3rd respondent therein in favour of the petitioner who is discount tenderer.

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 accepted the tender of Sri B. Vishnuvardhan Reddy, Kurnool on 06.09.2017 giving various reasons, which do not form part of the disqualification challenged in the Writ Petition.

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 tender of Sri B. Vishnuvardhan Reddy, who quoted at (-) 6.03% less than the estimate rates, has been accepted, but however, in view of the stay order of this Court, work order for concluding the agreement was not issued to the successful bidder. Hence, it is submitted that the allegation that the contract work was awarded in favour of Sri Vishnuvardhan Reddy, is factually incorrect and that the respondents have not committed any contempt.

Though learned counsel for the petitioner produced before this Court the copy of the minutes of the meeting of Commissionerate of Tenders held on 31.08.2017, wherein it has been resolved to accept the lowest qualified tender of Sri B. Vishnuvardhan Reddy, there is no other material to show that as on date, either work order was issued or LS agreement was entered in favour of the successful bidder.

In the light of any ~~contra~~ material produced by the petitioner to show that the respondents had issued the work order in favour of the successful bidder in violation of the order of this Court and there being no factual contempt on the part of the respondents, the Contempt Case is closed.

CHALLA KODANDA RAM, J

02nd April 2018

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