

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.2219 of 2017

ORDER:

This Contempt Case is filed alleging non-compliance of the order, dated 10.04.2017, passed by this Court in Writ Petition No.12623 of 2017.

The subject matter of the aforesaid Writ Petition relates to the three notifications in Tender ID.Nos.83537, 84954 and 85063, dated 29.11.2016 issued by the third respondent – Chief Engineer, Roads and Buildings, CRN & MD, APRDC, Vijayawada, Krishna District, therein. The grievance of the writ petitioner is that though it has quoted estimated cost much less than others, its offer was not being considered and the contractors, who quoted the estimated cost in excess of it, are issued with the work order. Considering the pleadings and the submissions of the learned counsel, at the stage of admission, this Court passed the aforesaid order, which reads as under:

“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.”

In the present case, a counter-affidavit is filed by the third respondent – Superintending Engineer, Roads and Buildings

Circle, Kurnool, categorically asserting that so far as tender ID. No.83537 is concerned, the tender of M/s. K.C.V.R. Infra Projects Private Limited came to be accepted by the second respondent, who is the tender accepting authority, vide Memo, dated 04.04.2017, the qualified bidder was issued with the work order, the agreement was concluded and the site was handed over to the said bidder on 06.04.2017 and that the said bidder had completed the work, as such, there is no violation of the order of this Court passed on 10.04.2017. It is further asserted that though tender ID.Nos.84954 and 85063 were accepted by the Commissioner, Commissionerate Of Tenders (COT), Vijayawada, no work orders are given to the successful bidder for conclusion of LS Agreement as per the aforesaid order of this Court. It is also asserted that as a matter of fact, the respondents have filed a vacate petition in the Writ Petition and awaiting the orders, and therefore, the allegation that the contract work was awarded in favour of M/s.K.C.V.R. Infra Projects Private Limited, Hyderabad, is factually incorrect and that the respondents have not committed any contempt.

It is to be noted that there is no contra material produced by the petitioner to disprove the specific assertion of the third respondent in the counter-affidavit that tender ID.No.83537 was concluded prior to the aforesaid order of this Court. In support of

his case, the petitioner placed before this Court a copy of the proceedings, dated 26.04.2017, in which, it is mentioned that the tender of M/s. K.C.V.R. Infra Projects Private Limited is accepted subject to the observations made in the minutes of COT meeting held on 26.04.2017 and the order of this Court dated 10.04.2017. In view of the same, it cannot be said that there is violation on the part of the Commissioner, COT, Vijayawada or any of the respondents as on date as neither work order was issued nor LS agreement was entered in favour of the successful bidder. So far as tender I.D. No.85063 is concerned, the third respondent categorically denied in the counter-affidavit about entering any agreement with the successful bidder. There is no contra material produced by the petitioner to show that the respondents had entered agreement with the successful bidder in violation of the order of this Court.

In those circumstances, there being no factual contempt on the part of the respondents, the Contempt Case is closed.

CHALLA KODANDA RAM, J

21st MARCH, 2018.

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