

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45113 OF 2017

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondent No.4 in awarding the contract works to the 5th respondent company vide proceedings Lr.No.CE/VSP Zone/A.P.Transco/O&M/AE4/ F.132 KV VZM-01/D.No.4236/17, dated 01.12.2017, at the instance of 2nd respondent, as illegal and arbitrary and against the original terms and conditions of the tender schedule and for a consequential direction to the respondents to follow the fourth condition of the tender schedule.

Learned counsel for the petitioner states that though the 5th respondent was imposed penalty of forfeiting security deposit amount of Rs.40,221/-, as he failed to adhere to the conditions in respect of earlier work, the respondents again awarded the same work for the period starting from 01.04.2017 to 31.03.2019 by the impugned proceedings. He also submits that as per Condition No.4(ii)(b) of the Terms and Conditions of the impugned tender, any terminated contractor for violation of contract condition, is not eligible for three years from the date of issue of termination orders.

Sri N.Siva Reddy, learned Standing Counsel for respondents 2 to 4 submits that though 4th respondent imposed penalty against 5th respondent of forfeiture of security deposit, that is not a disqualification as per tender conditions.

In view of the same, when once the 5th respondent has not incurred disqualification as per tender conditions, especially clause-4(ii)(a) and (b) of the tender conditions, he cannot be disqualified. More so, petitioner has not participated in the tender process. In view of the same I do not see any merit in the writ petition.

Accordingly the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

02.01.2018

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