

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT APPEAL No. 1515 of 2017

JUDGMENT: *(per the Hon'ble Sri Justice A. Rajasheker Reddy)*

This Writ Appeal is filed against the order dated 08.08.2017 wherein and whereby learned Single Judge dismissed Writ Petition No.18228 of 2017 filed by appellant herein on the ground that appellant neither filed that Writ Petition on behalf of the consortium nor is representing the consortium.

Heard learned counsel for appellant and learned counsel for respondent No.3.

In this case, admittedly, the tender document was submitted by consortium of two members i.e., Krishna Constructions and appellant together. But, Writ Petition No.18228 of 2017 was filed by appellant only and learned counsel for respondent No.3 raised an objection to that effect. A perusal of the order under appeal goes to show that learned Single Judge held that appellant is non-suited as the consortium had not filed the Writ Petition; that even if the figures of the consortium are taken into consideration for 2013-14, experience of appellant along with its partner with regard to patient bed care strength was shown as -Nil-; that appellant failed to fulfill the requirement of patient bed

care strength even by taking into consideration the services rendered by the consortium; that a show cause notice was issued to respondent No.3 for payment of dues of service tax and that the action of its blacklisting was challenged by respondent No.3 by way of filing Writ Petition No.562 of 2016, which in turn, was allowed by this Court setting aside its blacklisting. It is also noted that Principal Commissioner of Service Tax by an order dated 06.02.2017 dropped the proceedings initiated against respondent No.3.

In view of aforesaid facts and circumstances, we do not find any error or infirmity in impugned order passed by the learned Single Judge in this intra-Court appeal.

Hence, this Writ Appeal is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 25.02.2019

A. RAJASHEKER REDDY, J

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