

HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.5890 of 2019

ORDER :

In pursuance of the valid tender process, vide proceedings dated 12.06.2018 issued by respondent No.3, the petitioner was awarded contract for the supply of food provisions to the Telangana Social Welfare Residential Educational Institutions at Armoor, Pochampad and Velpur, Nizamabad District, for the year 2018-19. Pursuant to the award of the said contract, the petitioner had entered into an agreement with the Principals of the Institutions concerned and paid the respective EMD amounts. Subsequently, for the alleged violation of the terms and conditions of the contract, vide proceedings RC.No.A/139/2018, dated 13.03.2019, issued by respondent No.4 – District Coordinator, District Social Welfare Residential Educational Institutions Society, Nizamabad District, the petitioner was placed in black list and forfeited the EMD amount paid by him.

The petitioner has challenged the said order dated 13.03.2019 issued by respondent No.4 mainly on two grounds, namely (i) that the impugned order is in gross violation of the principles of natural justice, as the same is not preceded by any

notice; and (ii) that respondent No.4 has passed the said order without any jurisdiction.

By order dated 22.03.2019, this Court suspended the impugned order dated 13.03.2019 issued by respondent No.4.

Counter affidavit is filed by respondent No.4 along with I.A.No.2 of 2019 seeking to vacate the interim order dated 22.03.2019 passed by this Court in I.A.No.1 of 2019 in W.P.No.5890 of 2019 and to dismiss the writ petition.

Heard Sri N. Srushman Reddy, learned counsel for the petitioner and the learned Government Pleader for Social Welfare (Telangana State).

In the counter affidavit, respondent No.4 has not stated about the compliance of the principles of natural justice by issuing a notice to the petitioner affording an opportunity to the petitioner to putforth his case and also whether respondent No.4 is having jurisdiction to pass the impugned order dated 13.03.2019.

For the aforesaid reasons, this writ petition is allowed, setting aside the impugned proceedings dated 13.03.2019 issued by respondent No.4. However, the respondents are at liberty to proceed against the petitioner in accordance with law,

for the alleged violation and breach of the terms and conditions of the contract by the petitioner. No order as to costs.

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

JUSTICE T. AMARNATH GOUD

22.04.2019.
Msr



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Msr