

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.23484 of 2019

ORDER :

This writ petition is filed seeking *Mandamus* to declare the letter/acknowledgement dt.23.10.2019 disqualifying the petitioner's Technical Tender, as illegal, arbitrary and contrary to the terms and conditions of Tender Notification and consequently set aside the same by directing the respondents to allot Stage-I contract (Suryapet District) to the petitioner.

The case of the petitioner is that pursuant to the Tender Notification issued by respondent No.2 calling for tenders for transportation of food grains/essential commodities for the year 2019-2020 (Suryapet District Stage-I), the petitioner has submitted his tender bid on 07.10.2019. However, the petitioner was issued a letter dt.23.09.2019 wherein and whereby it was informed that the tender of the petitioner was technically disqualified due to non-submission of signed copy of Financial Undertaking in the Technical Bid.

Heard Sri K. Venumadhav, learned counsel for the petitioner, as well as the learned Government Pleader for Civil Supplies for respondent No.1; Sri A. Jagan, learned Standing Counsel for respondent No.2; and Sri Bobbili Srinivas, learned counsel for unofficial respondent No.3.

Learned counsel for the petitioner submits that the tender conditions do not provide for submission of signed copy of Financial Undertaking and the averment of the respondents that the petitioner has not submitted signed copy of the Financial Undertaking is contrary to the terms and conditions of Tender Notification.

Unofficial respondent No.3 filed counter affidavit along with Vacate Stay application in I.A.No.2 of 2019 in W.P.No.23484 of 2019 seeking to vacate the interim order passed by this Court on 25.10.2019, wherein it is stated that as the petitioner has not submitted signed copy of Financial Undertaking as mentioned in the Tender Notification, his technical bid was rejected and hence sought to dismiss the writ petition by vacating the interim order dt.25.10.2019.

When original records are called for, it shows that the petitioner has not submitted signed copy of Financial Undertaking, which goes to show that the petitioner has suppressed the fact and filed a false document in the material papers. Therefore, as the petitioner has not come before this Court with clean hands, the writ petition is liable to be dismissed for suppression of fact, by invoking extraordinary jurisdiction under Article 226 of the Constitution of India.

Another aspect is, when the Financial Undertaking provides for signature of the tenderer at the bottom of the

said Undertaking, which shows the comprehension of the petitioner regarding the same, which also disentitles the petitioner for award of work. It also shows that the petitioner lacks common sense. Therefore, the writ petition is liable to be dismissed with costs.

Accordingly, the writ petition is dismissed with costs of Rs.5,000/- (Rupees five thousand only). The Telangana State Legal Services Authority, Hyderabad, is directed to take steps for recovery of the said costs from the petitioner. Interim order passed by this Court on 25.10.2019 shall stand vacated.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

03.12.2019.
Msr

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