

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION Nos.8191 and 7297 OF 2022

COMMON ORDER:

Since the issue involved and the parties in both the writ petitions are one and the same, both these Writ Petitions are taken up together and are being disposed of by way of this common order.

2. W.P.No.8191 of 2022, under Article 226 of the Constitution of India, is filed by the petitioner, seeking a writ of Mandamus declaring the action of the respondents, more particularly respondent No.2, in issuing the Vacate Notice vide RC.No.PIng-1/112/2021/Main Canteen, dated 10.02.2022, directing the petitioner to vacate the NIMS canteen on 17.02.2022, without considering the representation, dated 22.01.2022, submitted by him, as arbitrary, illegal and consequently, set aside the same. W.P.No.7297 of 2022 is filed by the very same petitioner in W.P.No.8191 of 2022 declaring the action of the respondents, particularly respondent No.2, in issuing "Allotment of work order" vide Rc.No.pIng-1/112/2021/Main Canteen, dated 31.01.2022, in favour of respondent No.4, by suppressing the revised diet price and

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informing the same after closure of bid, without considering the representation, dated 20.01.2022, as arbitrary, illegal and consequently, set aside the said "Allotment of work order".

3. Heard Sri Resu Mahender Reddy, learned Senior Counsel representing Sri Muppu Ravinder Reddy, learned counsel for the petitioner in both the Writ Petitions; learned Government Pleader for Medical and Health, appearing for respondent No.1; Sri G.Anandam, learned Standing Counsel for Nizam Institute of Medical Sciences, appearing for respondent Nos.2 and 3; Sri Y.Balasubrahmanyam, learned counsel for respondent No.4 and perused the record.

4. Leaned Senior Counsel appearing for the petitioner in both the writ petitions would submit that in the year 2015, respondent No.2-Hospital had issued Tender Notification calling for tenders for supply of breakfast, lunch and dinner to the inpatients of respondent No.2 hospital, under the scheme of Aarogyasri Health Care Trust. The petitioner was the successful bidder and he was allotted contract for a period of two years. Thereafter, the contract period was extended from time to time and the petitioner is continuing till today. While so, respondent No.2 had issued E-Tender notification, dated 10.11.2021, vide

proceedings Rc.No.Plng-1/112/2021/Main Canteen, calling for tenders for supply of diet (breakfast, lunch and dinner) for an amount of Rs.80/- per day, per person. Pursuant to the said tender notification, the petitioner company had submitted its bid on 10.12.2021 with diet price of @ Rs.80/- After closure of said bid, respondent No.2 had informed the petitioner that the diet price was revised from Rs.80/- to Rs.100/- by adding pulkhas and bananas or seasonal fruits to the Lunch and pulkhas, egg and milk to the dinner. After coming to know about the revised diet price, the petitioner had submitted a representation, dated 20.01.2022 to the respondent No.3 to re-issue the tender notification with all information for submitting a fresh bid. Though respondent No.3 had received the said representation, the same has not been disposed of for the reasons best known to it. Without considering the representation of the petitioner, dated 20.01.2022, respondent No.2 had issued the "Allotment of work order", dated 31.01.2022 in favour of the respondent No.4, which is against the E-tender notification, dated 10.11.2021. Therefore, the petitioner in both the writ petitions sought a direction to respondent No.2 to examine the representations, dated 20.01.2022 and 22.01.2022 submitted by him.

5. In view of submissions made by learned Senior Counsel appearing for the petitioner in both these Writ Petitions, the request of the petitioner can be acceded to.

6. Under these circumstances, respondent No.2 is directed to examine the representations, dated 20.01.2022 22.01.2022 submitted by the petitioner in both the writ petitions, and pass orders in accordance with the governing regulations, within a period of three (3) weeks from the date of receipt of a copy of this order.

7. With the above direction, both the Writ Petitions are disposed of.

Miscellaneous petitions, if any, pending in these two Writ Petitions shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 03.03.2022
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