



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3329]

**FRIDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE SRI JUSTICE VENKATESWARLU
NIMMAGADDA**

WRIT PETITION NO: 18526/2025

Between:

1. P BHARATH, S/O LATE P.V.RAMANA, AGED ABOUT 41 YEARS,
OCC. BUSINESS, H.NO. 4-149-173-1, TEACHERS COLONY,
DHONE, NANDYAL DISTRICT, ERSTWHILE KURNOOL
DISTRICT, AP - 518222.

...PETITIONER

AND

1. M/S IRCTC LTD, ZONAL OFFICE REPRESENTED BY ITS
GROUP GENERAL MANAGER, SOUTH CENTRAL ZONE 9-1-
129/1/102, 1ST FLOOR, OXFORD PLAZA, SARAJINI DEVI
ROAD, SECUNDERABAD, TELANGANA - 500 003
2. M/S IRCTC LTD, AREA OFFICE, REPRESENTED BY ITS AREA
OFFICER TIRUPATHI.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order or direction more particularly one in the nature of Mandamus declaring action of the respondent no.1 in. Issuing e-auction proceedings No. 2024/IRCTC/SCZ/1/NIT/FP/01 dated 16.07.2025, proposed in respect of E-tender in no 2024/IRCTC/SCZ/1/NIT/FP/01. dated 02.4.2024, without excluding the bid of M/s Sunil Kumar Agarwal. b) Inviting an invalid and withdrawn

bidder to the e-auction process c) Failing to finalize the tender considering only valid financial bids submitted by the Petitioner and M/s Fine Caterers India Pvt. Ltd., d) as illegal, arbitrary, violative of Articles 14, 19(1)(g), 300A of the Constitution and the tender terms. e) Consequently direct the respondent no.1 to exclude M/s Sunil Kumar Agarwal from the tender process and finalize the tender between the two valid bidders. f) Pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in the E-Auction proceedings No: 2024/IRCTC/SCZ/1/NIT/FP/01, dated 16-7- 2025, proposed respect of E-tenderin no: 2024/IRCTC/SCZ/1/NIT/FP/01, dated 02.4.2024, issued by the respondent no.1, pending disposal of the writ petition and pass

Counsel for the Petitioner:

1. HARI BABU MAGULURI

Counsel for the Respondent(S):

1.

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO.18526 of 2025****ORDER:-**

1. This writ petition is filed to issue writ of mandamus declaring the action of Respondent No.1 in issuing e-auction proceedings No.2024/IRCTC/SCZ/1/NIT/FP/01 dated 16.07.2025 proposed in respect of E-tender No.2024/IRCTC/SCZ/1/NIT/FP/01 dated 02.04.2024 without excluding the bid of M/s.Sunil Kumar Agarwal (b) Inviting an invalid and withdrawn bidder to the e-auction process; (c) failing to finalize the tender considering only valid financial bids submitted by the petitioner and Ms. Fine Caterers India Pvt Ltd, as illegal, arbitrary, violative of Articles 14, 19(1)(g) & 300-A of the Constitution of India.

2. The petitioner submits that, pursuant to the original tender notification dated 02.04.2024, bids were submitted by the petitioner along with other interested parties. Upon evaluation, and in accordance with the tender terms, the petitioner and two others were declared as technically qualified bidders. Subsequently, the first respondent issued e-tender instructions dated 16.07.2025, stating that, as the financial bids of three technically qualified bidders had already been opened on 22.08.2024 and in given circumstances, that the

tender conditions specify that an e-auction shall be conducted if the number of technically qualified bidders is three or more—it was decided by the IRCTC to conduct an e-auction for FP/Dhone on 21.07.2025 at 15:00 hours.

3. Learned counsel for the petitioner submits that, in the meanwhile, one of the three bidders who had been declared both technically and financially qualified has voluntarily proposed for withdrawn from the tender process by submitting a letter dated 17.07.2025, and also requesting the respondents to permit to withdraw from further participation, including in the scheduled e-auction. In light of this development, the learned counsel contends that the respondents ought not to proceed with the e-auction as per the earlier proceedings dated 16.07.2025, since the precondition of having three or more technically qualified bidders no longer stands satisfied under the tender terms.

4. On the other hand, Smt. K. Aruna, learned Standing Counsel appearing for Respondent Nos. 1 and 2, submits that although one of the tenderers has submitted a withdrawal letter dated 17.07.2025, such withdrawal cannot be entertained as per the terms and conditions of the tender. She further submits that the respondents intend to proceed in accordance with the tender notification and the existing schedule and

also submitted that the e-tender notification clearly states that all relevant factors would be considered at the time of the auction, and accordingly, she requested this Court to pass appropriate orders.

4. Heard Sri Hari Babu Maguluri, learned counsel for the petitioner, Smt. K. Aruna, learned Standing Counsel for Respondent Nos.1 & 2 and perused the material available on record.

5. The *Nota bene* (ii) referred in the instructions to the tenders in the E-Tender Cum Auction for setting up, operation and management of food plaza at Dhone, Railway Station over South Central Zone, filed along with the affidavit, reads as follows:

“In case number of technically qualified bidders are three or more the e-auction will be conducted. In case the number of technically qualified bidders is upto two, tender will be decided based on initial price offer(s). the highest total price quoted by technically qualified bidders in the financial bid, will be the opening price for e-auction. In case there are 3 to 6 technically qualified tenderers, three highest tenderers will be called for auction. In case there are more than six technically qualified tenderers, 50% of technically qualified vendors (rounded off to next higher integer) will be called for Auction. In this case the bids disallowed from participating in the Auction shall be the lowest bidder(s) in the tabulation of initial price offer. In case the lowest bidders quote the same rate, the initial price offer

received last shall be removed first on the principal of last in first out.”

6. Upon a careful reading of the instructions referred to above, it is noted that if the number of technically qualified bidders is three or less, the respondents are required to finalize the tender based on the estimates/quotes submitted by those bidders. In the present case, since one of the qualified bidders has withdrawn from the bidding process, only two bidders remains, accordingly, the respondents are required to adhere to Note (ii) of the Instructions for E-Tender cum Auction, which forms part of the tender terms. In compliance with the same, the respondents shall follow the due procedure as stipulated under the tender conditions.

7. With the above direction, writ petition is disposed of. No costs.

8. Consequently, miscellaneous applications pending if any, shall also stand closed.

9. Learned Standing Counsel for the Respondent Nos.1 & 2 is specifically directed to inform the respondents about the order passed by this Court.

JUSTICE VENKATESWARLU NIMMAGADDA

Date:18.07.2025
Note: copy by 21.07.2025
SP

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO.18526 of 2025

Date: 18.07.2025

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Note: copy by 21.07.2025

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