

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI ✓
THURSDAY, THE SEVENTEENTH DAY OF AUGUST, ✓
TWO THOUSAND AND TWENTY THREE ✓

:PRESENT: ✓

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI ✓

IA No. 1 OF 2023 ✓

IN ✓

WP NO: 21085 OF 2023 ✓



Between:

M/s. DMK Transport, rep. by its Proprietor M. Khaleel Rahiman, S/o. Mohd. Siddiq,
Aged about 48 years, Occ: Business, R/o. Khajipur, Adoni, Adoni Mandal, Kurnool
District. ✓

...Petitioner ✓

(Petitioner in WP 21085 OF 2023
on the file of High Court)

AND

1. The State of Andhra Pradesh, rep by its Principal Secretary, Food and Civil Supplies Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The Joint Collector and EOED, A.P. State Civil Supplies Corporation Ltd., Kurnool District. ✓
3. The District Manager, A.P. State Civil Supplies Corporation Ltd., Kurnool District. ✓
4. The Vice-Chairman and Managing Director, A.P. State Civil Supplies Corporation Ltd., Vijayawada, Krishna District. ✓
5. K. Hemalath, W/o. Not known, Age not known, R/o. Adoni, Adoni Mandal, H No 21/872 Kurnool District. 518301 ✓

...Respondents ✓

(Respondents in-do-) ✓

Counsel for the Petitioner :

Counsel for the Respondent Nos.1 to 3 :

Counsel for the Respondent No.4 :

SRI G.TUHIN KUMAR ✓

GP FOR CIVIL SUPPLIES ✓

SRI P.HEMA CHANDRA ✓

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay all further proceedings relating to the tender document dated 24.07.2023, i.e., Appointment of Transport Contractor for Essential Commodities under Stage-II up to the period 31.03.2025, pending disposal of WP No.21085 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

"1. Heard. ✓"

2. Learned counsel for the petitioner submitted that, even though the petitioner is declared as successful bidder, the authorities have invited the petitioner as well as 5 th respondent for negotiations. Further, he has drawn the attention of this Court to the condition 8(iii) of the tender notification and submitted that, the authorities have every right to call for negotiations if there are two or more lowest bidders, but in the present case, petitioner is the only lowest bidder(L1). In the said circumstances, the authorities cannot invoke condition 8(iii) of the tender notification and invite 5th respondent also for negotiations. If the said negotiations are allowed to continue, the petitioners right would be defeated. As such, prayed to protect the interest of the petitioner.

On the other hand, learned standing counsel vehemently opposed and submitted that, until and then there is unreasonableness and arbitrariness while evaluating the tender process, the Courts cannot interfere, under Article 226. In the present case, no such contingencies arise and however a detailed counter is required to be filed and sought time accordingly.

Perused the record.

There is no dispute that the petitioner is the only lowest bidder(L1). And in the said circumstances, the relevant condition 8(iii) in the tender notification reads as follows:

"....8.Evaluation of Application:

...iii. In case of two or more bidders emerge as L1 with identical quotes Negotiations will be conducted with all such L1 bidders and announce the successful tenderer...."

A perusal of the above condition shows that the authorities can only call for negotiations when there are more than one lowest bidder(L1). The contentions of the petitioner is that he is the only petitioner who is declared as lowest bidder(L1). Prima facie, there is a point made out for consideration and there is some force in the contentions of the learned counsel for the petitioner

that the petitioner's right would be affected, as such, this Court is inclined to pass the following order:

The respondent authorities are directed not to finalise the tender notification dated 24.07.2023 for a period of three(03) weeks."

//TRUE COPY//

Sd/- M. PRABAKAR RAO
ASSISTANT REGISTRAR

For

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Food and Civil Supplies Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The Joint Collector and EOED, A.P. State Civil Supplies Corporation Ltd., Kurnool District. ✓
3. The District Manager, A.P. State Civil Supplies Corporation Ltd., Kurnool District.
4. The Vice-Chairman and Managing Director, A.P. State Civil Supplies Corporation Ltd., Vijayawada, Krishna District. ✓
5. K. Hemalath, R/o. Adoni, Adoni Mandal, H No 21/872 Kurnool District. 518301 - (Addressee Nos.1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to Sri. G.Tuhin Kumar, Advocate [OPUC] ✓
7. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
8. One CC to Sri P.Hema Chandra, Standing Counsel [OPUC]
9. One spare copy ✓

HIGH COURT

RCJ

DATED:17/08/2023

NOTE: POST ON 31.08.2023

ORDER

**IA No. 1 OF 2023
IN
WP NO: 21085 OF 2023**

DIRECTION

