

HONOURABLE SMT. JUSTICE V.SUJATHA
WRIT PETITION No.15491 of 2023

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“....to appropriate Writ Order or Direction particularly one in the nature of writ of Mandamus declaring the action of the respondents in the process undertaken by the respondents in conducting eAuction vide Notice Ref No DFO Nellore Rc No 1898/2020/F3 dt 18 03 2023 for sale of 1 71 825 64 Metric Tonnes of VSS/Departmental Eucalyptus Debarked Wood as single unit as the same was done with a malicious intention to favour some segment of contractors as illegal unreasonable discriminatory arbitrary and violative of Article 191g of Constitution of Indian and consequently this Honble court may be pleased to set aside the entire process undertaken by the respondents in and connected with conducting eAuction vide Notice Ref No DFO Nellore Rc No 1898/2020/F3 dt 18 03 2023 and direct the respondents to issue fresh notifications by dividing the total plantations in to such several units which will enable the small contractors to participate in the eAuction process and prevent frauds and pass....”

2. Heard learned counsel for the petitioner and learned Government Pleader for Forests.
3. Brief facts of the case are that the respondents invited e-Auction bids from Firms/Companies/Industries/Individuals for

purchasing of the above said Eucalyptus Debarled Wood from VSS/Departmental Plantations situated in Atmakur, Kavali, Udayagiri, Nellore and Rapur Ranges of Nellore (Territorial) Division in the Andhra Pradesh. As per the notification, all the plantations shall be sold through the public e-auction method in one or more phases on 12.04.2023, 19.04.2023 and 26.04.2023 till the notified quantity of Eucalyptus produce is sold. The EMD for participation in the e-Auction was been put to Rs.2,00,00,000/- and it is mentioned in the notification that the minimum price to be quoted by bidders shall be the start price plus Increment value of Rs.10/- or its multiples indicated against unit per MT.

4. Further case of the petitioner is that as per the prevailing market prices of the Eucalyptus wood per Metric Ton, it would be from Rs.4,000 to Rs.4,500/- per Metric Ton. However, in the assailed e-Auction Notification the minimum price was put to Rs.3,400/- per Metric Ton which is very much cheaper than that of prevailing market price and L1 bidder price is Rs.3450/-. As the minimum price was set at Rs.3,400/-, the sale is being awarded with a rate of Rs.3,450/- and only 3 bidders were presumed to be participated in the e-Auction process that too from the same family. Hence, there is a cloud conspiracy

between the contractors and the department officials in finalising the auction process for very much cheaper price by preventing the other contractors to participate in the e-auction process. Challenging the same, the present Writ Petition is filed.

5. Respondents No.4 and 5 filed counter stating that the e-Auction is conducted in order to give opportunity to all the category of the contractors to participate in e-auction but not for particular categories of contractor and further stated that the petitioner instead of participating in the e-auction as filed the present writ petition.

6. It is further stated in the counter that earlier also the DFO, Nellore vide proceedings dated 25.07.2008 has put all the VSS plantations in Guntur circle in a single unit comprising of plantations in Nellore, Giddalur and Guntur divisions and further stated that in the year 2021, in reference No.1898/2020/F3, dated 24.07.2021 tenders were invited on forming 98 departmental plantations as one unit and all 816 VSS plantations as one unit. But the sale could not be completed as there were no bidders and there are various instances where a single unit put for sale as small units could not be successful in most of the cases. In view of the fact that the successful tenderers defaulted in their payments and thus

caused loss to the FDA and Department, as such the respondents have decided to go for tenders to all 816 VSS plantation as one single unit.

7. It is further stated in the counter that the 4th respondent published an advertisement on 25.03.2023 in Sakshi and Indian Express inviting tenders for E-Auction for sale of Eucalyptus debarked wood from the Departmental and VSS Plantations in Nellore, Rapur, Kavali, Atmakur and Udayagiri Ranges of SPSR Nellore division from the Firms/Companies/Industries/individuals. While so, on 12.04.2023, an open E-auction was conducted and the 5th respondents participated in the said auction along with two other bidders by paying EMD and he stood as highest bidder. The 5th respondent entered into an agreement with the 4th respondent on 01.06.2023 and that the harvesting was already commenced from 15.06.2023 after obtaining all necessary permissions and had completed more than 50% of the work.

8. Therefore, in view of the averments made in the counter affidavit, since the 5th respondent stood as auction purchaser and have also completed 50% of the work, this Court feels that the cause in the writ petition does not survive.

9. Accordingly, the Writ Petition is closed. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, in this Writ Petition, shall stand closed.

Date : 02.01.2024
KGR

JUSTICE V.SUJATHA

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