

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No. W. P. Nos. 9644 of 2023

PROCEEDING SHEET

SI. No.	DATE	ORDER	OFFICE NOTE
	18.04.2023	<u>DR, J</u> The present Writ Petition is filed assailing the action of the respondents in disqualifying the petitioner in the technical bid in Tender Procurement in Tender ID No.601773 in the “O & M of CPWS Scheme to Markapur and Tarlupadu of Prakasam District, for the year 2023-24 with an Estimated cost of Rs.98.00 Lakhs” without any reason or explanation as illegal and arbitrary. Learned senior counsel appearing for the petitioner pointed out that the respondents rejected the technical bid of the petitioner by invoking 17(1) of the Tender notification, which is nothing but unilateral cancellation of the bid, since no reasons were mentioned. He further submitted that in fact, as per Clause 12(3) of the notification, the petitioner uploaded the past performance Contract; despite the same, the respondents invoked the clause 17(1).	

		Learned Government Pleader appearing on behalf of the respondents, on instructions, submitted that as per the instructions submitted by the respondents, past performance of the petitioner was recorded as poor performance. In fact, the petitioner has left the work without completing, as per the earlier notification, in view of the poor performance, the respondents have invoked 17(1) and rejected the bid of the petitioner. The agreements were entered with L1 on 15.04.2023 itself. Considering the above submissions, more specifically as contended by the learned senior counsel that when the petitioners have uploaded the Past Performance Certificate, without there being any notice with regard to the poor performance of the earlier tender, the respondents cannot invoke the 17(1), which required to be dealt with by this court only after filing of the counter and the record. Hence, if any award made, pursuant to the tender notification, shall be subject to the result of the Writ Petition. The respondents are directed to file their counters along with relevant record. Post after four (04) weeks. _____ DR, J <i>Pnr</i>	
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