

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.26188 OF 2021

ORDER:-

The present writ petition is filed to declare the action of the 2nd respondent in not awarding the contract in favour of the petitioner pursuant to e-tender issued vide proceeding No.33/2021-2022 for carrying out operation and maintenance including watch and ward, housekeeping and gardening, MRT Assistance etc., in respect of 132 KV Sub-station at Gajuwaka Division in OMC Circle Visakhapatnam.

Earlier, the petitioner herein approached this Court by way of filing W.P.No.19990 of 2021, questioning the tender issued vide specification No.e-Proc.No.56/2021-2022 for the subject work and some other work of Visakhapatnam, Srikakulam Division and the said writ petition came to be disposed of by this Court by way of an order dated 13.09.2021.

The operative portion of the said order reads as follows:

“According to the information available before this Court, since the issue, as regards the request made by the petitioner vide representation dated 26.08.2021, wherein the petitioner expressed his consent for 2.89% excess instead of 4.3% is pending consideration before the Chairman and Managing Director, APTRANSCO-first respondent herein, this Court, in the facts and circumstances of the case, deems it appropriate and apposite to dispose of the present writ petition with a direction to the respondents to verify the representation dated 26.08.2021, submitted by the petitioner herein, and take appropriate action/pass appropriate orders, strictly in accordance with law, taking into consideration the issues raised by the petitioner herein in his representation, as expeditiously as possible. It is made clear that, till a decision is taken by the respondents, as indicated supra, finalisation of the tenders, if any, received pursuant to the impugned tender notification, shall be deferred.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.”

It is submitted by the learned counsel for the petitioner that pursuant to the above said orders passed by this court vide Lr.No.CE/VSP Zone/A.P.Transco/O&M/DEE-3/F, DOC/D.No.4770/21, dated 26.10.2021, the 2nd respondent herein awarded the work pertaining to 132 KV Sub-Stations in Srikakulam Division in OMC Circle, Srikakulam in favour of the petitioner herein, but did not award the work pertaining to Gajuwaka Division in OMC Circle, Visakhapatnam.

According to the learned counsel, the respondent authorities are making hectic efforts to award the work pertaining to Gajuwaka Division to the third parties on nomination basis and the said action is highly arbitrary, unconstitutional and violation of Articles 14 and 19(1)(g) of the Constitution of India.

On the other hand, it is submitted by Sri Y.Nagi Reddy, learned standing counsel for respondents that pursuant to the orders of this Court vide Lr.No.CE/VSP Zone/A.P.Transco/O&M/DEE-3/F, DOC/D.No.4770/21, dated 26.10.2021, the 2nd respondent herein awarded contract in favour of the petitioner herein pertaining to Srikakulam Division.

It is further submitted by the learned counsel that suitable speaking orders will also be passed in accordance with law, with regard to Gajuwaka Sub Division shortly and as

of now there is no cause of action for the petitioner herein to file the present writ petition.

Recording the above submissions and taking into account, the nature of controversy in the present writ petition, the writ petition is disposed of with a direction to the respondents to pass a speaking order with regard to the work pertaining to Gajuwaka Circle, if not already passed, as expeditiously as possible preferably within a period of one week from the date of receipt of copy of this order. It is also made clear that pending passing of appropriate speaking order, no third parties rights shall be created with regard to the subject work. There shall be no order as to costs of the Writ Petition.

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

JUSTICE A.V.SESHA SAI

Date:10.11.2021

Note : Issue CC in two days

b/o.

vsl

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VSL