

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 28887 OF 2024

Between:

Bhagyanagar Nirmal Lorry Owners Welfare Association, Rep by its President A. Madhu Sudhan, R/o. 7-3-86/6, Bhagya Nagar, Back side of Hanuman Temple, Nirmal, 504106, Nirmal District.

...PETITIONER

AND

1. The Telangana Civil Supplies Corporation Ltd., TSCSCL 53655/1/A Civil Supplies Bhavan Somajiguda Hyderabad Rep by its Chairman and Managing Director.
2. The Additional Collector and EOED, Telangana State Civil Supplies Corporation Limited District Office Room No 219 and 220 2nd Floor Collectorate Integrated District Offices Complex IDOC Nirmal 504106 Telangana.
3. The District Manager, Telangana State Civil Supplies Corporation Limited, District Office, Room No. 219 and 220, 2nd Floor, Collectorate, Integrated District Offices Complex (IDOC), Nirmal-504106, Telangana.
4. The Food Corporation of India, 1620 Barakhamba Lane NewDelhil10001 Rep by its Chaiman and Managing Director.
5. The General Manager Regional, Regional Office Food Corporation of India 3rd Floor HACA Bhavan Public Gardens Road Hyderabad 500004.
6. Nirmal Lorry Owners Welfare Society, Rep by its President Mohammed Abud S/o Md Osman, Aged 47 years Occ Business R/o H.No. 15-12-298/1, Gajulpet, Nirmal, Nirmal District T S 504106.
7. The State of Telangana, Rep by its Principal Secretary Civil Supplies Department Secretariat Saifabad Hyderabad.
8. The Union of India, Ministry of Consumer Affairs Food and Public Distribution Rep by its Secretary Krishi Bhavan New Delhi 110 001

...RESPONDENTS

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 issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of Respondent Civil Supplies Corporation in accepting the invalid technical bid of 6th Respondent and taking steps to appoint the 6th Respondent as the Transport Contractor for Nirmal Sector of Nirmal District under Short e-Tender Notice bearing Lr.No. Mktg/10/Paddy and Gunny Trans./KMS 2024-25, dated 23-09-2024 as illegal, unjust, arbitrary, discriminatory, vitiated by malafides, suffers from lack of jurisdiction and violative of the principles of natural justice and also contrary to the Tender Notice dated 23-09-2024 and consequently direct the Respondent Civil Supplies Corporation to reject the tender of the 6th Respondent and to appoint the Petitioner as the transport contractor for Nirmal Sector, Nirmal District under the Tender Notice dated 23-09-2024.

IA NO: 1 OF 2024

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 pursuance of the Short e-Tender Notice bearing Lr.No.Mktg/10/Paddy and Gunny Trans./KMS 2024-25 dt.23.9.2024 to the extent of Nirmal Sector of Nirmal District, pending disposal of the above writ petition.

IA NO: 2 OF 2024

Between

Nirmal Lorry Owners Welfare Society, Rep by its President Mohammed Abud S/o Md Osman, Aged 47 years Occ Business R/o H.No. 15-12-298/1, Gajulpet, Nirmal, Nirmal District T S 504106.

...PETITIONER/RESPONDENT No.6

AND

1. Bhagyanagar Nirmal Lorry Owners Welfare Association, Rep by its President A. Madhu Sudhan, R/o. 7-3-86/6, Bhagya Nagar, Back side of Hanuman Temple, Nirmal, 504106, Nirmal District.

...RESPONDENT/WRIT PETITIONER

2. The Telangana Civil Supplies Corporation Ltd., TSCSCL 53655/1/A Civil Supplies Bhavan Somajiguda Hyderabad Rep by its Chairman and Managing Director.

3. The Additional Collector and EOED, Telangana State Civil Supplies Corporation Limited District Office Room No 219 and 220 2nd Floor Collectorate Integrated District Offices Complex IDOC Nirmal 504106 Telangana.
4. The District Manager, Telangana State Civil Supplies Corporation Limited, District Office, Room No. 219 and 220, 2nd Floor, Collectorate, Integrated District Offices Complex (IDOC), Nirmal-504106, Telangana.
5. The Food Corporation of India, 1620 Barakhamba Lane NewDelhil10001 Rep by its Chaiman and Managing Director.
6. The General Manager Regional, Regional Office Food Corporation of India 3rd Floor HACA Bhavan Public Gardens Road Hyderabad 500004.
7. The State of Telangana, Rep by its Principal Secretary Civil Supplies Department Secretariat Saifabad Hyderabad.
8. The Union of India, Ministry of Consumer Affairs Food and Public Distribution Rep by its Secretary Krishi Bhavan New Delhi 110 001

...RESPONDENTS/RESPONDENTS

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 vacate the interim orders dated 18-10-2024 passed in W.P. No. 28887 of 2024 and Subsequently extended till 11-11-2024.

IA NO: 3 OF 2024

Between:

The District Manager, Telangana State Civil Supplies Corporation Limited, District Office, Room No. 219 and 220, 2nd Floor, Collectorate, Integrated District Offices Complex (IDOC), Nirmal-504106, Telangana.

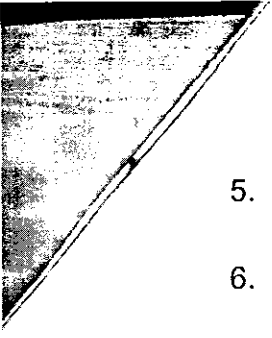
...PETITIONER/RESPONDENT No.3

AND

1. Bhagyanagar Nirmal Lorry Owners Welfare Association, Rep by its President A. Madhu Sudhan, R/o. 7-3-86/6, Bhagya Nagar, Back side of Hanuman Temple, Nirmal, 504106, Nirmal District.

...RESPONDENT/PETITIONER

2. The Telangana Civil Supplies Corporation Ltd., TSCSCL 53655/1/A Civil Supplies Bhavan Somajiguda Hyderabad Rep by its Chairman and Managing Director.
3. The Additional Collector and EOED, Telangana State Civil Supplies Corporation Limited District Office Room No 219 and 220 2nd Floor Collectorate Integrated District Offices Complex IDOC Nirmal 504106 Telangana.
4. The Food Corporation of India, 1620 Barakhamba Lane NewDelhil10001 Rep by its Chaiman and Managing Director.

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5. The General Manager Regional, Regional Office Food Corporation of India
3rd Floor HACA Bhavan Public Gardens Road Hyderabad 500004.
 6. Nirmal Lorry Owners Welfare Society, Rep by its President Mohammed Abud
S/o Md Osman, Aged 47 years Occ Business R/o H.No. 15-12-298/1,
Gajulpet, Nirmal, Nirmal District T S 504106.
 7. The State of Telangana, Rep by its Principal Secretary Civil Supplies
Department Secretariat Saifabad Hyderabad.
 8. The Union of India, Ministry of Consumer Affairs Food and Public Distribution
Rep by its Secretary Krishi Bhavan New Delhi 110 001

...RESPONDENTS/RESPONDENTS

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 vacate the interim order dated : 18-10-2024 passed in I.A. No. 1 of 2024 in WP No. 28887 of 2024 and as extended from time to time.

Counsel for the Petitioner : SRI K.SHASHIDAR GOUD

Counsel for the Respondent No.1,2&7: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.3 : M/s.T.P.ACHARYA

**Counsel for the Respondent No.4&5 : SRI PUNDLA BHASKARA MOHAN,
SC FOR FCI**

Counsel for the Respondent No.6 : SRI JELLA SRIKANTH

**Counsel for the Respondent No.8 : SRI GADI PRAVEEN KUMAR,
DY.SOL.GENERAL**

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

W.P.NO. 28887 OF 2024

ORDER:

In this writ petition, the petitioner is challenging the action of the respondents in accepting the technical bid of respondent No.6 and taking steps to appoint the respondent No.6 as the Transport Contractor for Nirmal Sector of Nirmal District under short e-Tender Notice dated 23.09.2024 for transportation of paddy and gunny bags and to pass such other order or orders in the interest of justice.

2. Learned counsel for the petitioner submitted that the petitioner has raised several objections with regard to the documents submitted by the respondent No.6, but the respondents No.2 to 5 have not taken the same into consideration and are trying to finalize the tender with the respondent No.6.

3. Learned Standing Counsel for Corporation, however, submitted that initially a short e-tender notice was issued and when it was found that all the tenderers were disqualified, the said tender was cancelled and a fresh tender notice was issued and the respondent No.6 has been found to

be the L1 tenderer and the writ petitioner as L2 tenderer. It is submitted that in the tenders submitted pursuant to the second tender also certain defects were found in all the tenders and all the participants had accepted to overlook such objections and have given an undertaking that they have no objection for opening of the financial bids and only thereafter, finance bid has been opened and the respondent No.6 has been found to be the successful bidder. It is submitted that after the respondent No.6 has been found to be the successful bidder, the writ petitioner has raised the objections by way of an e-mail on 04.10.2024. He also referred to the time therein to demonstrate that the objections have been raised at 6.30 p.m., i.e., after opening of the financial bid which cannot be entertained.

4. Learned counsel for the respondent No.6 also filed a counter affidavit and submitted that the respondent No.6 has furnished all the relevant documents and that, it being L1 tenderer, is eligible to be awarded the contract.

5. This Court, by way of interim order dated 18.10.2024, had directed the respondents not to finalize the tender.

6. After hearing all the parties and also going through the relevant material, this Court finds that the objections of the petitioner about the constitution of membership of the petitioner's society have to be considered by the respondent authorities as they go to the root of matter. As regards the objections about the hired vehicles and agreements for such vehicles, the official respondents have filed the copies of the agreements before this Court and the learned counsel for the petitioner has not been able to point out any defects with regard to such agreements. Therefore, the only objection is with regard to the constitution of membership of respondent No.6 society and the documents filed by the respondent No.6. Therefore, this Court deems it fit and proper to direct the respondent No.2 to look into the objections of the petitioner with regard to the constitution of membership of the society and also whether the vehicles shown as own vehicles are in respect of the members of the society and thereafter, finalize the tender in accordance with the tender conditions. The entire process shall be completed within a period of one (1) week from the date of receipt of a copy of this order.

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

8. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

**SD/-P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman and Managing Director, Telangana Civil Supplies Corporation Ltd., TSCSCL 53655/1/A Civil Supplies Bhavan Somajiguda Hyderabad.
2. The Additional Collector and EOED, Telangana State Civil Supplies Corporation Limited District Office Room No 219 and 220 2nd Floor Collectorate Integrated District Offices Complex IDOC Nirmal 504106 Telangana.
3. The District Manager, Telangana State Civil Supplies Corporation Limited, District Office, Room No. 219 and 220, 2nd Floor, Collectorate, Integrated District Offices Complex (IDOC), Nirmal-504106, Telangana.
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5. The General Manager Regional, Regional Office Food Corporation of India 3rd Floor HACA Bhavan Public Gardens Road Hyderabad 500004.
6. The Principal Secretary Civil Supplies Department State of Telangana, Secretariat Saifabad Hyderabad.
7. The Secretary, Union of India, Ministry of Consumer Affairs Food and Public Distribution Krishi Bhavan New Delhi 110 001
8. One CC to SRI K.SHASHIDAR GOUD, Advocate. [OPUC]
9. One CC to SRI GADI PRAVEEN KUMAR, (Deputy Solicitor General of India), High Court for the State of Telangana at Hyderabad. [OPUC]
10. Two CCs to GP FOR CIVIL SUPPLIES, High Court for the State of Telangana at Hyderabad. [OUT]
11. One CC to SRI PUNDLA BHASKARA MOHAN, SC FOR FCI. [OPUC]
12. One CC to SRI T.P.ACHARYA, Advocate. [OPUC]
13. One CC to SRI JELLA SRIKANTH, Advocate. [OPUC]
14. Two CD Copies.

BSK

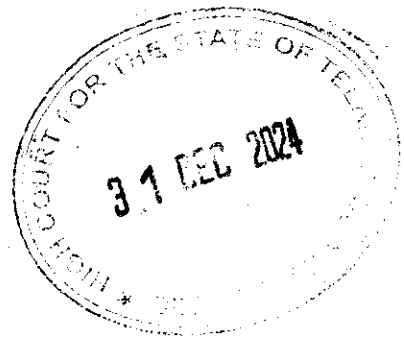
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HIGH COURT

DATED:31/12/2024

CC TODAY



ORDER

WP.No.28887 of 2024

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(17)

31/12/24
bvs