

[3329]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

TUESDAY ,THE TWENTY EIGHTH DAY OF JANUARY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 2081 OF 2025

Between:

M/s. Divya Shakti Enterprises, Having its office at 14, Greenpark Apartments, Near D.R.Mahal, Tirupathi, Chittoor District, Rep. by its Managing Partner K.V.N.Siva Prasad

Petitioner

AND

1. The State of Andhra Pradesh, Rep., by its Principal Secretary, Civil Supplies Department, A.P.Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh - 522237
2. The Commissioner of Civil Supplies, Civil Supplies Department and Ex-Officio Secretary to Government, Government of Andhra Pradesh, Vijayawada
3. Andhra Pradesh State Civil Supplies Corporation Limited, (APSCSCL) Rep., by its Vice Chairman and Managing Director D.No. 10-152/1, Sri Sai Towers, 4th Floor, Ashoknagar, Besides Siris Company, Bandar Road, Kanuru, Vijayawada

4. M/s.Prakruthi Logistics, 18.04.70, Ayodya Ramapuram, Samalkota-533440, Kakinada District, Andhra Pradesh Rep.by its Managing Parnter Sri K.Siva

Respondents

Petition under Article 226 of the Constitution of India is filed 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 the 3rd Respondent in (i) not considering Petitioner's Representation dt.16.1.2025, wherein Petitioner agreed to transport essential commodities of Stage-1 in Chittoor, Tirupati and Annamayya Districts under Tender Notice bearing Lr.No.PDS.3/18/2755/2024-26 dt.13-12-2024 (File No.FCS51- 13022/5/2023-PDS SEC-APSCSCL-Part(1)) for the most competitive rates, which are (a) beneficial to public exchequer and (b)much lesser than the rates quoted by 4th Respondent, and (ii) taking steps to entrust the contract to 4th Respondent without calling the Petitioner for negotiations though during the negotiations conducted by the 3rd Respondent, 4th Respondent refused to reduce the rates quoted by it, as illegal, unjust, arbitrary, discriminatory, without Jurisdiction, suffers from colourable exercise of power and in violation of the Articles 14, 19 and 21 of the Constitution of India and consequently direct the official Respondents to consider the Petitioners representation dt.16.01.2025 and call the Petitioner for negotiations to finalise the transportation rates.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed 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 Tender Notice bearing Lr.No.PDS.3/18/2755/2024-26 dt.13.12.2024 (File No.FCS51- 13022/5/2023-PDS SEC-APSCSCL- Part(1)).

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri SRINIVAS BOBBILI Advocate for the Petitioner, GP FOR CIVIL SUPPLIES for the Respondent Nos.1 to 3 and the Court made the following.

ORDER:

“Heard learned counsel for the Petitioner and learned Standing Counsel for Respondent Nos.1 to 3.

For the reasons submitted by learned counsel, the Respondent Authorities are permitted to proceed further in respect of Tender Notice bearing Lr.No.PDS.3/18/2755/2024-26, dated 13.12.2024 and not to enter any agreement with the successful bidder till the next date of hearing in respect of Chittoor, Tirupathi and Annamayya Districts.

List the matter after one (1) week.”

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

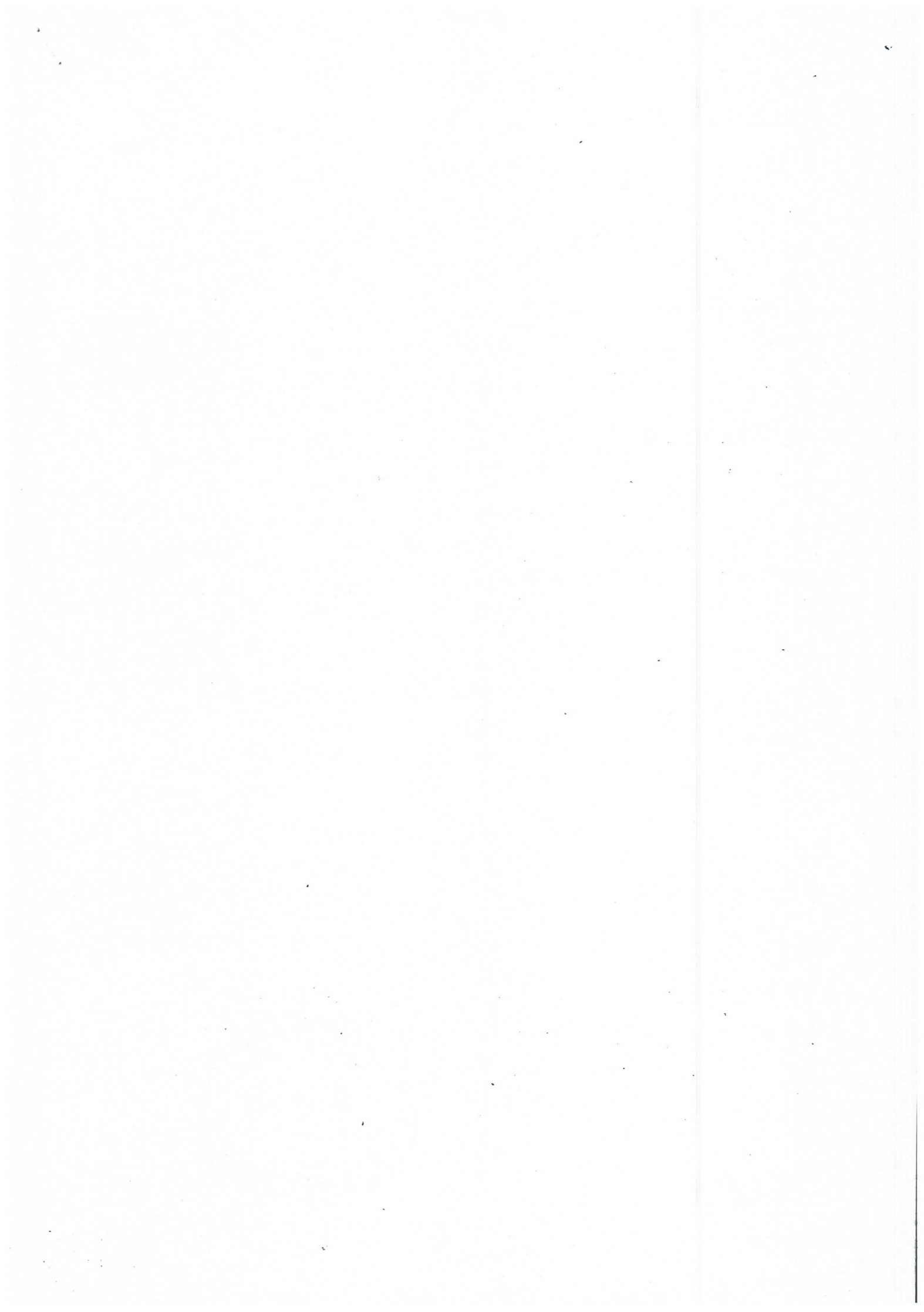
SECTION OFFICER

F.

To,

1. The Principal Secretary, Civil Supplies Department, State of Andhra Pradesh, A.P.Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh – 522237. [By Special Messenger]
2. The Commissioner of Civil Supplies, Civil Supplies Department and Ex-Officio Secretary to Government, Government of Andhra Pradesh, Vijayawada.
3. The Vice Chairman and Managing Director, Andhra Pradesh State Civil Supplies Corporation Limited, (APSCSCL) D.No. 10-152/1, Sri Sai Towers, 4th Floor, Ashoknagar, Besides Siris Company, Bandar Road, Kanuru, Vijayawada

4. The Managing Parnter Sri K.Siva, M/s.Prakruthi Logistics, 18.04.70, Ayodya Ramapuram, Samalkota-533440, Kakinada District, Andhra Pradesh (2 to 4 by RPAD)
5. One CC to SRI. SRINIVAS BOBBILI Advocate [OPUC]
6. Two CCs to GP FOR CIVIL SUPPLIES ,High Court Of Andhra Pradesh. [OUT]
7. **One spare copy**



HIGH COURT

NV,J

DATED:28/01/2025

List the matter after one (1) week

ORDER

WP.No.2081 of 2025

DIRECTION

