

HIGH COURT OF ANDHRA PRADESH :: AMARAVATHI

MAIN CASE NO: W.P.No.8515 of 2026

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
02.	02.04.2026	<u>MRK, J</u> Sri V.V. Satish, learned counsel for the petitioner submits that the 2nd respondent authority initially called for tenders vide Tender No.1235/Sand Open Excavation – Reaches/2025-26, for reaches at Nandavaram, Gangavaram and Joharapuram of Nandavaram Mandal, Kurnool District dated 26.11.2025 for selection of Contractors for Open Cast Semi Mechanized Excavation of Sand, Transportation, Stocking and Loading of Sand at Stock points/reaches. 2. Subsequently, the 2nd respondent authority cancelled the first Tender vide Proc. No. 1235/Sand Open Excavation – Reaches/2025-26/4/5/6 dated 18.12.2025. The said action of the 2nd respondent authority and also Re-Tender notification dated 20.03.2026 for the very same reaches are under challenge in the present writ petition. 3. Primarily, learned counsel for the petitioner submits that the tender was initially cancelled vide the aforesaid proceedings dated 18.12.2025 without assigning any reasons. Secondly, the authorities have imposed the very same conditions in the subsequent tender notification as were contained in the first tender	Contd..

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		notice. As such, the very issuance of the Re-Tender notification dated 20.03.2026 are liable to be stayed. 4. On the other hand, the learned Government Pleader for Mines and Geology submits that, indisputably, the first tender notification was cancelled by the 2nd respondent authority mainly on the ground that all 31 technically qualified participants in the first tender process had quoted an amount of Rs. 31/- per metric ton. In such circumstances, Tendering Authorities passed after taking into account various factors and reasons, particularly in the larger public interest only as the sand is very essential for general public. 5. The learned Government Pleader also submits that the writ petitioner has no locus standi to challenge the impugned order in the present lis, inasmuch as the petitioner, claiming to be a partnership firm, participated in the first tender process. Subsequently, in view of the cancellation of the tender process vide order dated 18.12.2025 by the respondent authorities on 17.01.2026, the very same petitioner addressed a letter seeking refund of the earnest money deposit (EMD) pursuant to the tender notification dated 26.11.2025. Accordingly, the concerned authorities refunded the total amount and he received the said amount also. He also contended that, Tender conditions also changed in the Re-Tender	Contd..

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		notification dated 20.03.2026. 6. In light of the above facts and circumstances, particularly in view of very writ petitioner he himself addressed a letter to the Tendering authorities and received the earnest money deposit (E.M.D.) amount on 17.01.2026, by suppressing the same he has subsequently challenged the Re-Tender notification dated 20.03.2026. 7. Added to that, as is evident from the very writ affidavit, the present lis was filed on 31.03.2026 before this Court, after the commencement of the Re-Tender process only. For the sake of comprehensive view, the Re-Tender dated 20.03.2026 key dates mentioned in Ex.P1 (page No.18) extracted hereunder: <table border="1"> <thead> <tr> <th>Sl. No.</th><th>Event Description</th><th>Timeline</th><th>Date</th></tr> </thead> <tbody> <tr> <td>1</td><td>Issue of Notice Inviting Bids</td><td>TO</td><td>21.03.2026</td></tr> <tr> <td>2</td><td>Techno-Commercial Bid due date</td><td>To+11</td><td>01.04.2026</td></tr> <tr> <td>3</td><td>Announcement of Qualified Bidders & Successful bidder</td><td>To+12 =T1</td><td>02.04.2026</td></tr> <tr> <td>4</td><td>Issue of Letter of Intent (LOI)</td><td>T1+2</td><td>04.04.2026</td></tr> <tr> <td>5</td><td>Submission of PBG by Successful Bidder</td><td>T1+7</td><td>09.04.2026</td></tr> <tr> <td>6</td><td>Agreement with Successful Bidder</td><td>T1+8</td><td>10.04.2026</td></tr> </tbody> </table>	Sl. No.	Event Description	Timeline	Date	1	Issue of Notice Inviting Bids	TO	21.03.2026	2	Techno-Commercial Bid due date	To+11	01.04.2026	3	Announcement of Qualified Bidders & Successful bidder	To+12 =T1	02.04.2026	4	Issue of Letter of Intent (LOI)	T1+2	04.04.2026	5	Submission of PBG by Successful Bidder	T1+7	09.04.2026	6	Agreement with Successful Bidder	T1+8	10.04.2026	Contd..
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		Apparently, the writ petition was listed on 01.04.2026, i.e., yesterday, and the same was adjourned to today i.e., 02.04.2026 at the request of the learned Government Pleader. 8. In the light of the above contentious facts and circumstances, more so in the interest of the general public. "The power of Judicial review will not be invoked to protect the private interest at the cost of public interest" which was settled by the A.P.W.C. Court in the following decisions in 1) <i>Tata Motors Limited v. Brihan Mumbai Electric Supply and Transport Undertaking (Best) and Others</i> reported in (2023) 19 Supreme Court Cases 1, 2) <i>N.G. Projects Limited v. Vinod Kumar Jain and Others</i> reported in (2022) 6 Supreme Court Cases 127 and 3) <i>Silppi Constructions Contractors v. Union of India and Another</i> reported in (2020) 16 Supreme Court Cases 489. 9. In the light of the above intricate facts and law involved in the lis, at this juncture this Court is not inclined to pass interim orders. However, the respondents are hereby directed to file comprehensive counters. 10. Post after three (03) weeks. MRK, J RMR	