

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.W.P.No.14538 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1.	15.05.2026	<u>GTK,J</u> Heard Mr R.N.Hemendra Reddy, learned counsel representing through Mrs A.Priyanka, learned counsel for the petitioner, and Mr Gurram Rama Chandra Rao, learned Government Pleader for the State. A perusal of the disqualifying order, dated 13.05.2026, reads as follows:- “Disqualified, the bidder has not satisfied the condition stipulated for experience(supporting documents for experience not submitted). 2. As per report of the DEO, PKM the bidder submitted fake information regarding godown facilities. 3. Submitted invoices and dates mismatched.” The column containing the disqualifying statement dated 13.05.2026 read above, no reasons are spelt out for the said disqualification except single statement. Any order of a quasi-judicial authority, which does not contain reasons, it is the law of the land that the authorities cannot later part supplement reasons in the counter affidavits. In <i>Minerva Mills Limited and another vs. Union of</i>	

		India and others¹, a Constitutional Bench of the Hon'ble Supreme Court has laid down the said ratio, which is followed in Dipak Babaria and another vs. State of Gujarat and others², wherein it was held that <i>"reasons and bona fide exercise of power are essential at the time of exercise thereof – Government must defend its action on the basis of the order that it has passed, and it cannot improve its stand by filing subsequent affidavits"</i>. Again in Anand Brothers Private Limited vs. Union of India and others³, the Hon'ble Supreme Court, while interpreting the words "finding", "decision" and "conclusion", held in paragraph 14 as follows: <i>"14. It is trite that a finding can be both; a finding of fact or a finding of law. It may even be a finding on a mixed question of law and fact. In the case of a finding on a legal issue the Arbitrator may on facts that are proved or admitted explore his options and lay bare the process by which he arrives at any such finding. It is only when the conclusion is supported by reasons on which it is based that one can logically describe the process as tantamount to recording a finding. It is immaterial whether the reasons given in support of the conclusion are sound or erroneous. That is because a conclusion supported by reasons would constitute a "finding" no matter the conclusion or the reasons in support of the same may themselves be erroneous on facts or in law. It may then be an erroneous finding but it would nonetheless be a finding. What is important is that a finding presupposes application of mind. Application of mind is best demonstrated by disclosure of the mind; mind in turn is best disclosed by recording</i>	
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¹ (1980) 3 SCC 625

² (2014) 3 SCC 502

³ (2014) 9 SCC 212

reasons. That is the soul of every adjudicatory process which affects the rights of the parties. This is true also in the case of a finding of fact where too the process of reasoning must be disclosed in order that it is accepted as a finding in the sense the expression is used in Clause 70."

The pointed question to the learned Government Pleader is whether any opportunity is being provided to the petitioner before passing order for which the learned Government Pleader has clearly stated that opportunity will be provided to the petitioner to make his detailed explanation, ventilating his grievance, to the concerned authority and the same will be looked into immediately.

Satisfying with the submission made by Mr. Gurram Rama Chandra Rao, learned Government Pleader, without adverting into the merits of the case, respondents are directed to provide an opportunity to the petitioner to submit a detailed explanation, ventilating his grievance, including his disqualification by tomorrow, which is also accepted by the petitioner. As and when the said representation/explanation is submitted, the same should be acted upon forthwith by the respondents, failing which, the respondents shall abstain from issuing further notification.

Post after Summer Vacation, 2026.

TM

GTK,J