

APHC010306592025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3209]

THURSDAY, THE FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

**I.A.Nos.3 and 4 OF 2025
IN
WRIT PETITION No: 15769 of 2025**

I.A.No.3 of 2025

Between:

SRI BOMMINENI SIVASANKAR NAIDU

...PETITIONER(S)

AND

N.NAVEEN KUMAR & 7 OTHERS

...RESPONDENT(S):

Counsel for the Petitioner(S):

Mr.NALLANI VAMSI KRISHNA

Counsel for the Respondent(S):

Mr.KASA JAGANMOHAN REDDY KASA JAGANMOHAN REDDY

The Court made the following common order:

The petitioners who arrayed as respondents 6 & 7 in the main writ petition, filed these two applications to dispense with the filing of the certified / original copy of the *ex parte* order dated 17.10.2025 and to set aside the order dated 17.10.2025 passed in the writ petition setting them *ex parte*.

2. The learned counsel for the petitioners, *inter alia*, submits that the petitioners are facing several financial crisis, as such, could not take steps for engaging a counsel on receipt of notices from the Court. He submits that the petitioners / respondents 6 & 7 have invested their monies for execution of works pursuant to the tender awarded by the DISCOM authorities and with great difficulty, could able to engage an Advocate now. He submits that unless the *ex parte* order is set aside, the petitioners / respondents 6 & 7 would suffer serious prejudice and great hardship. Stating that non-appearance of the petitioners, even after service of notice is neither willful nor wanton, the learned counsel seeks to allow the petitions.

3. On the other hand, the learned counsel for the respondents' 1 & 2 / writ petitioners opposed the said submissions and contended that the applications are liable to be dismissed. He submits that the reason that the petitioners / respondents 6 & 7 are facing some financial difficulties is absolutely incorrect and a ruse to get the *ex parte* order dated 17.10.2025 set aside. Referring to the material on record, the learned counsel submits that as per the tender specifications dealing with the eligibility criteria, the tenderer shall possess

solvency certificate for a value of Rs.8,00,000/- issued by the Tahsildar or any schedule bank (valid for one year). Once the petitioners / respondents 6 & 7 satisfy the said criteria, it belies the plea taken by them that they are facing financial problems. That apart, the learned counsel submits that pursuant to the tender notification, works are being entrusted to the petitioners, they are getting the bills regularly and therefore, the contention contra with regard to their financial incapacity to engage a counsel to defend their case is untenable and liable to be rejected.

4. Referring to the averments in the counter-affidavit, the learned counsel further submits that in the present writ petition, pursuant to the directions of this Court dated 27.06.2025, personal notices were sent to the petitioners herein / respondents 6 & 7 to the addresses furnished in the bid documents and as the same was returned with an endorsement "no such addressee". He submits that under the said circumstances, the Court *vide* order dated 06.08.2025 directed the official respondent No.2 to serve notice on the petitioners / respondents 6 & 7. He submits that the Hon'ble Court on 17.10.2025, while noting that notices were served on respondents 6 and 7 (petitioners herein) on 08.08.2025, adjourned the matter to 08.10.2025 to enable the newly served unofficial respondents 6 and 7 (petitioners herein) to enter appearance either in person or through counsel. But the petitioners (respondents 6 & 7) had not entered appearance even on 17.10.2025 and in those circumstances, the learned Judge was inclined to set them *ex parte*. He

submits that there are no bona-fides, much less, merits in the present applications and as such, the petitions are liable to be dismissed.

5. This Court has considered the submissions made and perused the material on record. As noted earlier, the only reason pleaded by the petitioners herein for not entering appearance in the writ petition is, financial problems. No material is placed on record at least to come to a *prima facie* conclusion that the petitioners (respondents 6 & 7) are facing some financial crisis. On the other hand, according to the learned counsel for the writ petitioners / respondents, the petitioners are getting the regular payments in respect of the works entrusted to them and therefore, the question of the petitioners facing financial difficulties does not arise at all. The said specific contention / averment in the counter-affidavit has not been denied by filing a reply-affidavit. Therefore, the contentions advanced by the learned counsel for the petitioners deserve no appreciation.

6. It appears as though the petitioners / respondents 6 & 7 intentionally not responded to the notices with a view to proceed with the execution of the works in question, and complete the same so as to render the writ petition infructuous. Such a conduct on the part of the petitioners cannot be countenanced. But for the order setting them *ex parte*, they would not have come before this Court with the present applications. In the proceedings under Article 226 of the Constitution of India, the conduct of the parties is vital and relief can be refused, if their conduct does not inspire the confidence of the Court.

7. In that view of the matter, this Court is not inclined to set aside the *ex parte* order dated 17.10.2025 and accordingly reject the applications.

Accordingly, the I.ANos.3 and 4 of 2025 are dismissed. No costs.

JUSTICE NINALA JAYASURYA

BLV
Dt. 05.02.2026

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

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Date: 05.02.2026

BLV