

Orders Reserved on : 11.03.2026.
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APHC010306642025



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

[3209]

THURSDAY, THE THIRTIETH DAY OF APRIL
 TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 15761 OF 2025**

Between:

- 1.N NAVEN KUMAR, S/O N.KRISHNA PRASAD, AGED 44 YEARS, SPECIAL CLASS ELECTRICAL CONTRACTOR, REG.NO. 27/2025 (RENEWED) D.NO. 12-814, ASHOKNAGAR, ANANTAPURAMU, ANANTHAPURAMU DISTRICT.
- 2.T.M. ASHWAK AHAMAD, S/O.T.MADAR SAHEB, AGED 37 YEARS, R/O D.NO. 26-4-836, GULJARPET, HINDUPUR, ANANTHAPURAMU DISTRICT.

...PETITIONER(S)

AND

- 1.THE APSPDCL, REP BY ITS CHAIRMAN MANAGING DIRECTOR, THIRUPATHI.
- 2.THE SUPERINTENDING ENGINEER, APSPDCL, ANANTHAPUR.
- 3.THE EXECUTIVE ENGINEER TECH, APSPDCL, ANANTHAPUR.
- 4.THE CHIEF VIGILANCE OFFICER, APSPDCL, THIRUPATHI.
- 5.THE DISTRICT COLLECTOR, ANANTHAPURAMU DISTRICT ANANTHAPURAMU.
- 6.SRI BOMMINENI SIVASANKARNAIDU, S/O NON KNOWN. ELECTRICAL CONTRACTOR, D.NO. .28-5-422, APHB COLONY, ANANTHAPURAMU, ANANTHAPURAMU DISTRICT.
- 7.SRI SESHADRI SEKHAR, S/O NOT KNOWN. SUPERINTENDENT ENGINEER, APSPDCL, ANANTHAPURAMU.

...RESPONDENT(S):

Counsel for the Petitioner(S):

- 1.KASA JAGANMOHAN REDDY

Counsel for the Respondent(S):

- 1.VENKATA RAMA RAO KOTA SC FOR APSPDCL
- 2.GP FOR REVENUE
- 3.NALLANI VAMSI KRISHNA

The Court made the following ORDER:

The present Writ Petition is filed for the following reliefs:

“....to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus calling for the work order or contract made by the 2nd respondent and declare the award of Unloading of various materials at District Stores, Ananthapur under the Tender Notification No.1/2025-26 (Purchases) of SE/OP/AT/[AE/JE/PR/Dispatch No.73/2025-26 dt.28.04.2025. Tender Specification No.1 to respondent No.6 whose tender documents were non responsive and unqualified and inaction of the 4th respondent in proceeding against the respondent Nos.2 and 6 in spite of complaints from the petitioners as being arbitrary, illegal, fraudulent, abuse of power and violative of Article 14, 19 and 21 of the Constitution of India and consequently to award the notified works to the petitioners and to pass such other orders.”

2) The case of the petitioners as set out in the writ affidavit, in brief, may be stated thus:

i) The petitioners are reputed and experienced special class contractors in handling electrical works / material. The 2nd respondent vide Tender Notification No.1/2025-26 (Purchases) invited tenders for (i) Loading of various materials at District Stores, Ananthapur and (ii) Unloading of various materials at District Stores, Ananthapur for the value of Rs.8,00,000/- each work. The last date of submission of tenders was Dt.07.05.2025. The respondents issued Tender Notice No.01/2025-26 of Purchase Section, Tender Specification No.1 on 16.05.2025 for unloading of various materials at District Stores of Ananthapur. The last date for submission of tender was Dt.19.05.2025.

ii) The petitioners are eligible for both the works, filed tender documents at minus 5% on the notified value in two separate sets of documents / schedules each. The tender notifications are opened in the presence of Evaluation Committee. The evaluation of tender documents was videographed. Two contractors viz., A.Rameshbabu and P. Devaraju did not attend the evaluation meeting and the committee found that the tender documents filed by them as also the 6th respondent as non-responsive. The 6th respondent filed fake tender documents in the name of said persons and he was not even possessing qualifying experience of two years. Thus, the tenders filed by the 6th respondent are liable to be rejected as fake and non-responsive. The 2nd respondent played fraud in collusion with the 6th respondent and awarded both the works to the 6th respondent. The successful contractor was not notified and the denial of the contract / subject matter works to the petitioners and awarding the same to the 6th respondent, who threatened the 3rd respondent and other two members of the Evaluation Committee is illegal, arbitrary, discriminative and highly objectionable. The petitioners lodged a complaint before the 4th respondent i.e., Chief Vigilance Officer, but no action was taken. Hence, the Writ Petition.

3) Learned counsel for the petitioners made submissions with reference to the specific allegations in the Writ Petition. He submits that the entire tender process is videographed and vitiated in view of the illegalities committed by the 2nd respondent in collusion with the 6th respondent. He

submits that the 2nd respondent turned down the decision of the Evaluation Committee to favour the 6th respondent, though he is not qualified. He submits that in tender documents submitted in the names of Mr.Ramesh Babu and Mr.Devaraju, no seals or the signatures were affixed, that the entire arguments / discussion in this regard made by the 6th respondent before the Evaluation Committee was videographed. He submits that a C.D. containing the video recording of the proceedings before the tender Evaluation Committee is filed for perusal of the Court. He also submits that the irregularities were brought to the notice of the 4th respondent for taking appropriate action, but there was no response. As such, the petitioners under the said circumstances filed the present Writ Petition.

4) The learned counsel further submits that in view of the specific allegations, the 7th respondent was impleaded as *eo nomine* party to the Writ Petition. However, the 7th respondent did not choose to file separate counter denying the allegations made against him. He points out that the 4th respondent-Chief Vigilance Officer, before whom complaint is made, is supposed to file a separate counter affidavit, that it is surprising to note that a counter affidavit was filed on his behalf also by the 2nd respondent. He submits that this itself supports the case of the petitioners that the 2nd respondent is acting with vested interest and his actions are *mala fide*. Making the said submissions, the learned counsel seeks to allow the Writ Petition.

5) On the other hand, Ms.Jyothi Ratna Anumolu, learned counsel appearing on behalf of respondent Nos.1 to 4 made submissions to sustain the Award of subject matter works to the 6th respondent. She submits that one year period of loading / unloading of material would come to an end by 31.03.2026, substantial portion of the work was already completed and adjudication of the matter at this stage is only academic. Denying various allegations / averments made in the affidavit filed in support of the Writ Petition she submits that the Award of subject matter works in favour of the respondent No.6 cannot be found fault with as the eligibility norms were fulfilled. She submits that the writ petition itself is not maintainable under Article 226 of the Constitution of India, more particularly, in view of the disputed questions of fact involved in the matter. She also submits that in the absence of any statutory violation, the power of judicial review cannot be invoked and if at all, the petitioners may seek damages in terms of the judgment of the Hon'ble Supreme Court of India in ***M/s. N.G. Projects Ltd., Vs M/s Vinod Kumar Jain & Ors.***,¹. Making the said submissions, learned counsel seeks dismissal of the Writ Petition as the same is devoid of merits.

6) This Court has considered the submissions made and perused the material on record.

7) At the outset, it is pertinent to mention that despite service of notice on unofficial respondent Nos. 6 and 7, they did not choose to enter appearance. In such circumstances, this Court by an order dated

¹ Civil Appeal No.1846 of 2022 Dt.21.03.2022 (SC)

17.10.2025 set them *ex parte*. In view of the same, they filed I.A.Nos. 3 and 4 of 2025 seeking to dispense with filing of Certified Copy of the *ex parte* order dated 17.10.2025 and to set aside the said order respectively. This Court by an order dated 05.02.2026 dismissed the said applications. It appears that the respondent Nos. 6 and 7 had not taken any steps to challenge the said order and thus the same attained finality. Be that as it may.

8) On an appreciation of the submissions made by the learned counsel for the petitioners, their grievance is that the works in question were awarded in favour of ineligible person and no action was taken by the 4th respondent i.e., the Chief vigilance Officer despite a specific complaint made by them. While seeking to declare such omissions and commissions on the part of the respondent authorities i.e., 2nd respondent and the 7th respondent Superintendent Engineer, who was impleaded by name, as illegal, irregular etc., consequential direction to award the works in question in favour of the petitioners was sought. However, it is not in dispute that the agreement is for a period of one year and most of the works in question i.e., loading and unloading of material were almost completed. Therefore, no relief as prayed for in this regard can be granted at this stage.

9) So far as the relief of declaration is concerned, strong reliance was placed on the video recording and the C.D. containing the same filed along with the material papers. However, no certificate in terms of Section 65B of the Indian Evidence Act (Section 63 of the Bharatiya Sakshya Adhiniyam,

2023) was filed. In such an event, this court cannot appreciate the contents of the same, that too when disputed questions of fact are involved, and more particularly in the light of the specific plea in the counter affidavit to the effect that the writ petitioners have not placed any authenticated copy of alleged video recording or its transcript. However, this Court cannot lose sight of the crucial aspect that the petitioners made a complaint dated 01.06.2025 to the 4th respondent-Chief Vigilance Officer with regard to awarding of the subject matter works to respondent No.6. No counter affidavit is filed by the 4th respondent independently. Curiously, the said officer, who is under an obligation to enquire into the complaint made by the petitioners and file a counter affidavit setting out the action taken by him, have authorized the 2nd respondent to file counter affidavit on his behalf, which cannot be countenanced.

10) Further, the learned counsel for the petitioners is right in contending that when specific allegations are made against a party i.e., the 2nd respondent in the present case by impleading him *eo nomine* (7th respondent), separate counters are required to be filed by the 2nd respondent as also the 7th respondent. Non-filing of separate counter affidavits by the 4th and 7th respondents lends support to the contentions advanced on behalf of the petitioners. As noted earlier, when serious allegations with regard to awarding of tenders is brought to the notice of the 4th respondent, he is duty bound to examine the same by conducting an enquiry and recommend further action, after giving due opportunity to the

concerned. The 4th respondent in the present case, for the best reasons known to him, had failed to take any action in the matter and the same amounts to abdication of duties / functions. Unless an enquiry into the veracity or otherwise of the contents of the videograph is made and initiation of action on the basis of outcome of the enquiry is recommended, the object of awarding tenders in a transparent manner cannot be achieved.

11) In view of the above, there shall be a direction to the 4th respondent to take action on the complaint of the petitioner, dated 01.06.2025, strictly in accordance with law as expeditiously as possible, within a period of six (06) weeks, from the date of receipt of a copy of this Order. In the event, the enquiry reveals that certain irregularities / illegalities took place in awarding of the subject matter works, the authorities concerned shall initiate appropriate proceedings of recovery from respondent Nos.6 and 7. In so far as the contention that the petitioners, though they are eligible, were deprived of the entrustment of works in question, they can seek appropriate compensation before the competent Court / Forum, in accordance with law.

12) With the above directions and observations, the Writ Petition is disposed of. No costs.

13) Consequently, Miscellaneous Applications pending, if any, shall stand closed.

NINALA JAYASURYA, J

Date:30.04.2026.

Ssv

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.15761 of 2025

Date:30.04.2026

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