



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



TUESDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 21168 OF 2025

Between:

M/s. Siva Sai Constructions, Kutagulla, Kadiri Rep. by its Proprietor,
K.V.SaiPraneeth Reddy, S/o.K.V.Ramesh Reddy, Aged about 40 years,
having its Office atKutugaula Village, Kutagulla, Kadiri Mandal, Satya Sai
District.

...PETITIONER

AND

1. The Union of India, Rep., by its Director General (Road Development) and Special Secretary, Ministry of Road Transport and Highways, Transport Bhawan, Parliament Street, New Delhi.
2. The State of Andhra Pradesh, rep., by its Principal Secretary, Roads and Buildings Department, Secretariat Buildings, Velagapudi, Amaravati.
3. The Engineer-In-Chief, Roads and Buildings, National Highways and CRF Having office at State HoD Offices Building, MG Road, Vijayawada.
4. The Regional Officer, Ministry of Road Transport and Highways, 4th Floor, Near Kanaka Durga Varadhi, Rani Gari Thota, Krishna Lanka, Vijayawada.
5. The Superintending Engineer (R&B), NH Circle, Ananthapuramu, Opposite to Medical College, Sai Nagar, Ananthapuramu.

6. The Executive Engineer(R&B), NH Division, Ananthapuramu, Opposite to Zilla Parishad Office, Near Geetha Mandir, Ananthapuramu.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus declaring the action on part of the respondent No.5 herein in issuing Tender Cancellation Corrigendum through the Letter No.NIT.28/NH-42/SE.NH.ATP/AEE-1/2025-26, dated 06.08.2025 for cancelling the tender, dated 27.01.2025 of Performance based Maintenance Contract (05 years) from Km.76.00 to Km.99.971 of NH-42 in the State of Andhra Pradesh for the year 2024-2025 under PBMC mode, even though no independent decision has been taken by the respondent No.3 herein either accepting or rejecting the bid of the petitioner as per Clause 30 of the Tender, dated 27.01.2025 as illegal, arbitrary, contrary to the Tender Conditions, dated 27.01.2025 in NIT.28/NH-42/SE.NH.ATP/AEE-1/2025-26, apart from being violative of the fundamental rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently a. Set aside the Tender Cancellation Corrigendum through the Letter No.NIT.28/NH-42/SE.NH.ATP/AEE-1/2025-26, dated 06.08.2025 for cancelling the tender, dated 27.01.2025 of Performance based Maintenance Contract (05 years) from Km.76.00 to Km.99.971 of NH-42 in the State of Andhra Pradesh for the year 2024-2025 under PBMC mode b. Direct the respondents to finalise the tender, dated 27.01.2025 of Performance based Maintenance Contract (05 years) from Km.76.00 to Km.99.971 of NH-42 in the State of Andhra Pradesh for the year 2024-2025 under PBMC mode in favour of the petitioner, c. Or alternatively direct the respondent No.3 to take a decision independently with regard to finalization of the tenders dated 27.01.2025 of Performance based Maintenance Contract (05 years) from Km.76.00 to

Km.99.971 of NH-42 in the State of Andhra Pradesh for the year 2024-2025 under PBMC mode and communicate the same to the petitioner.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of Tender Cancellation Corrigendum through the Letter No.NIT.28/NH-42/SE.NH.ATP/AEE-1/2025-26, dated 06.08.2025 for cancelling the tender, dated 27.01.2025 of "Performance based Maintenance Contract (05 years) from Km.76.00 to Km.99.971 of NH-42 in the State of Andhra Pradesh for the year 2024-2025 under PBMC mode" issued by the respondent No.5 pending disposal of the above Writ Petition.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No.3 to finalize the bid of petitioner for the tender, dated 27.01.2025 of "Performance based Maintenance Contract (05 years) from Km.76.00 to Km.99.971 of NH-42 in the State of Andhra Pradesh for the year 2024-2025 under PBMC mode, without referring to the Letter, dated 06.01.2025 issued by the respondent No.1 of the Tender Cancellation Corrigendum, dated 06.01.2025 issued by the respondent No.5, by following the instructions issued in Memo No.RW/NH-24035/4/2008-P &/PIC/Vol.II, dated 23.02.2018 and Circular, dated 28.08.2024 issued by the respondent No.1, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI B.ABHAY SIDDHANTH MOOTHA

**Counsel for the Respondent No.1: THE ADDL. SOLICITOR GENERAL OF
INDIA**

Counsel for the Respondent Nos.2 to 6: GP FOR ROADS BUILDINGS
The Court made the following order:



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

[3328]

**TUESDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 21168/2025

Between:

1. SIVA SAI CONSTRUCTIONS, KUTAGULLA, KADIRI REP. BY ITS PROPRIETOR, K.V.SAIPRANEETH REDDY, S/O.K.V.RAMESH REDDY, AGED ABOUT 40 YEARS, HAVING ITS OFFICE ATKUTUGAULLA VILLAGE, KUTAGULLA, KADIRI MANDAL, SATYA SAI DISTRICT.

...PETITIONER

AND

1. THE UNION OF INDIA, REP., BY ITS DIRECTOR GENERAL (ROAD DEVELOPMENT) AND SPECIAL SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAWAN, PARLIAMENT STREET, NEW DELHI.

2. THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, ROADS AND BUILDINGS DEPARTMENT SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI.

3. THE ENGINEER IN CHIEF, ROADS AND BUILDINGS, NATIONAL HIGHWAYS AND CRF HAVING OFFICE AT STATE HOD OFFICES BUILDING, MG ROAD, VIJAYAWADA.

4. THE REGIONAL OFFICER, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, 4TH FLOOR, NEAR KANAKA DURGA VARADHI, RANI GARI THOTA, KRISHNA LANKA, VIJAYAWADA.

5. THE SUPERINTENDING ENGINEER R B, NH CIRCLE,

ANANTHAPURAMU, OPPOSITE TO MEDICAL COLLEGE, SAI NAGAR, ANANTHAPURAMU.

6. THE EXECUTIVE ENGINEER R B, NH DIVISION, ANANTHAPURAMU, OPPOSITE TO ZILLA PARISHAD OFFICE, NEAR GEETHA MANDIR, ANANTHAPURAMU.

...RESPONDENT(S):

Counsel for the Petitioner:

1. B. ABHAY SIDDHANTH MOOTHA

Counsel for the Respondent(S):

1. GP FOR ROADS BUILDINGS

The Court made the following:

ORAL ORDER:

Heard Sri B. Abhay Siddhant Mootha, learned Counsel for the Writ Petitioner and Sri Y. Balaji, learned Government Pleader for Roads & Buildings.

2. Sri B. Abhay Siddhant Mootha, learned Counsel for the Writ Petitioner, has drawn the attention of this Court to the Impugned Proceedings dated 06.08.2025. He would submit that the Superintending Engineer (Respondent No.5) is not the competent authority for cancellation of the present Tender. He has also drawn the attention of this Court to the cancellation corrigendum and the Notice Inviting the Bid at page 32. He would submit that, as per Clause 30.1 of the Tender Conditions, the Employer alone reserves the right to cancel the bidding process apart from other rights.

3. Sri Balaji, learned Government Pleader for Roads and Buildings, on instructions, submits that the Impugned Proceedings dated 06.08.2025 (Ex.P.1) is only a recommendation made by the Superintending Engineer (R&B), which has been communicated to the Engineer-in-Chief (R&B) NH & CRF (Respondent No.3). He would submit that the contents of the said document (Ex.P.1) would itself indicate that the Superintending Engineer

(R&B) has merely communicated the opinion of the Ministry as well as the draft of the cancellation corrigendum, thereby leaving it open to the Engineer-in-Chief to take a final call. He would submit that the present Writ Petition is, therefore, premature inasmuch as the Engineer-in-Chief alone is empowered to take a decision in accordance with Clause 30.1 of the Tender Conditions in the capacity of Employer.

4. Having considered these submissions, this Court is of the opinion that the Employer, namely, the Engineer-in-Chief (R&B) NH & CRF (Respondent No.3) is required to take the necessary decision in accordance with law, and therefore, the present Writ Petition is premature in nature.

5. Accordingly, the Writ Petition is disposed of. No order as to costs.

6. At this stage, Sri B. Abhay Siddhanth Mootha, learned Counsel for the Writ Petitioner has stated that these Proceedings have been initiated after the Official Respondents, in fact, opened the financial bid and that if the present Tender is cancelled for any reason, the requirement of confidentiality may be breached.

7. Having considered this submission, this Court finds it reasonable. The Respondents are directed to maintain the confidentiality of the record, particularly with regard to the financial bids which have already been opened. In other words, the Official Respondents shall not disclose the contents of the financial bid of any bidder to anyone else.

8. Interlocutory Applications, if any, stand closed in terms of this order.

//TRUE COPY//

Sd/- B PRASADA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Director General (Road Development) and Special Secretary, Ministry of Road Transport and Highways, Union of India, Transport Bhawan, Parliament Street, New Delhi.
2. The Principal Secretary, Roads and Buildings Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati.

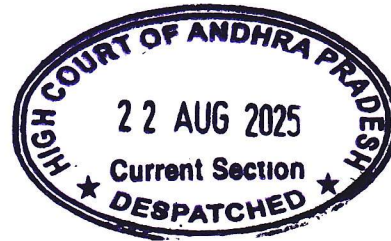
3. The Engineer-In-Chief, Roads and Buildings, National Highways and CRF Having office at State HoD Offices Building, MG Road, Vijayawada.
4. The Regional Officer, Ministry of Road Transport and Highways, 4th Floor, Near Kanaka Durga Varadhi, Rani Gari Thota, Krishna Lanka, Vijayawada.
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6. The Executive Engineer(R&B), NH Division, Ananthapuramu, Opposite to Zilla Parishad Office, Near Geetha Mandir, Ananthapuramu.
7. One CC to Sri B.Abhay Siddhanth Mootha, Advocate [OPUC]
8. One CC to the Addl. Solicitor General of India, High Court of A.P.[OPUC]
9. Two CCs to GP for Roads and Buildings, High Court of Andhra Pradesh [OUT]
10. Two CD Copies.

ssb

HIGH COURT

DATED:12/08/2025

ORDER
WP No. 21168 OF 2025



DISPOSING OF THE W.P. WITHOUT COSTS