

[3328]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE SECOND DAY OF JANUARY,
TWO THOUSAND AND TWENTY SIX



:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 36833 OF 2025

Between:

Vinikonda Manikyala Rao, S/o.Venkata Trinadhulu, Aged about 48 years, Occ: Contractor, R/o.D.No.2-2H-3A, Vidya Nagar, Nidadavole, East Godavari District-534301

Petitioner

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary, Energy Department, Secretariat Building, Velagapudi, Amaravathi, Guntur District.
2. The Andhra Pradesh Eastern Power Distribution Corp. Ltd., Rep., by its Chairman and Managing Director, Corporate Office Near Gurudwara P and T colony, Seetammadhara, Visakhapatnam-530013.
3. The Chief General Manger, Operations and CS, APEPDCL, Office Near Gurudwara P and T colony, Seetammadhara, Visakhapatnam-530013.
4. The Superintending Engineer, Operations, East Godavari Circle, APEPDCL Godavari Banda Road, Vulli Thota, Rajamahendravaram, East Godavari District.
5. The Executive Engineer, Operations, Rajamahendravaram Division APEPDCL, East Godavari District.
6. M/s. Sankar Infra, Rep., by its proprietor S.Jaya Shankar Krishna R/O.D.NO.75-4-37/A, Karakatta North, Bhavanipuram, Vijayawada -520 001.

7. M/s.Surendra Infra, Rep., by its proprietor P.Surendra, R/o.D.No.21-72/1-506, Sri Enclave, NTR Statue Road, Gollapudi, Vijayawada-521225

Respondents

Petition under Article 226 of the Constitution of India, is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the tender notification in BID No.SE/0/EGD/APEPDCL/Tender.No.07(7)/(2025-2026, dated 12.09.2025 which was issued Nidadavolu Sub-Divisions of East Godavari Circle for carrying out continuous monthly spot billing work on works contract basis in Town/Rural/Agency Areas of Operation Sections of katakoteswaram, Nidadavolu, Peravali, Purushothapalli and Undrajavaram of Nidadavolu Sub-Division of Operation Division, Nidadavolu of Operation Circle, East Godavari for a period from 01.10.2025 to 30.09.2027 vide the Corrigendum, dated 24.10.2025, without assigning any reason whatsoever, instead of finalizing the bids submitted by the petitioner and others and awarding work contract in favour of the respondent No.7 vide the proceeding, dated 24.12.2025 by issuing a fresh tender notification in BID No.SE/O/EGD/APEPDCL/Tender. No.SP.No.07(7) (Ext-1)/2025-2026, dated 14.11.2025 for the very same work by making it eligible, who was not eligible in pursuance of the earlier tenders issued by the respondent No.2 Corporation as arbitrary, illegal, colorable exercise of power and the well- established legal principles, apart from being violative of the fundamental rights guaranteed to the petitioner under Articles14, 19 and 21 of the Constitution of India and consequently direct the respondents No.4 to award the spot billing work contract for Nidadavolu Sub-Division in favour of the petitioner in pursuance of the earlier tender notification, BID No.SE/O/EGD/APEPDCL/Tender.No.07(7)/(2025-2026, dated 12.09.2025 issued by him forthwith by setting aside the tender notification in BID No.SE/O/EGD/APEPDCL/Tender.No.SP.No.07(7) (Ext-1)/2025-2026 dated

14.11.2025 and the work order issued through the proceedings, dated 24.12.2025 issued by the respondent No.4 in favour of respondent No.7;

IA NO: 1 OF 2025

Petition under Section 151 CPC., is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in pursuance of the proceedings, dated 24.12.2025 issued by the respondent No.4 in favour of respondent No.7, pending disposal of the above Writ Petition;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. V R REDDY KOVVURI, Advocate for the Petitioner and of GP FOR ENERGY, for the Respondent No.1 and of Sri. V.V.SATISH, STANDING COUNSEL, for the Respondent Nos.2 to 5;

The Court made the following ORDER:

Heard Sri V.R. Reddy Kovvuri, learned Counsel for the Writ Petitioners and Sri V.V. Sathish, learned Standing Counsel for APEPDCL assisted by Sri Y. Nagendra, learned Counsel.

2. These Writ Petitions are filed questioning the action of the Respondents in cancelling the Tender Notification on 24.10.2025 as regards the Tender Notification issued on 12.09.2025.

3. The facts on record in W.P.No.36813 of 2025, as submitted by Sri V.R. Reddy Kovvuri, learned Counsel for the Writ Petitioners, are to the effect that in pursuance of the Tender Notification dated 12.09.2025, all the bidders have submitted bids before the last date i.e., on 26.09.2025. It is submitted that vide Corrigendum dated 24.10.2025, the Tender Notification issued on 12.09.2025 was cancelled without assigning any reasons. Thereafter, on 14.11.2025, the Respondents have issued a fresh Tender Notification with regard to the same subject matter that is involved in the earlier Tender Notification dated 12.09.2025. All the present Writ Petitioners have also participated in the tender process. It

is submitted that the second Tender Notification dated 14.11.2025 was further processed and the Writ Petitioners herein came to know that the Unofficial Respondent No.6 was given the contract.

4. Learned Counsel for the Writ Petitioners would submit that cancellation of the earlier Tender Notification vide Corrigendum dated 24.10.2025 is mala fide on account of certain events and facts which the Writ Petitioners have come to know at a belated stage. He would submit that the Unofficial Respondent No.6 did not have the essential requirement of a Certificate of Registration at the time of submitting its bid at the first notification stage, and that the Official Respondents, in order to accommodate the Unofficial Respondent No.6 to procure the Certificate of Registration, have cancelled the Tender Notification with a mala fide intention.

5. It transpires from the facts that the Respondent No.6 has obtained Certificate of Registration on 15.10.2025, admittedly, which was not submitted by the said Respondent under the first Tender Notification. The said Respondent No.6 has submitted Certificate of Registration in the second Tender Notification dated 14.11.2025.

6. The above facts would indicate that the balance of convenience, *prima facie*, is in favour of the Writ Petitioners herein, inasmuch as the earlier Tender Notification dated 12.09.2025 was cancelled by the Official Respondents on 24.10.2025 without assigning any reasons, and the subsequent events which have unfolded would indicate that the Unofficial Respondent No.6, which did not have the Certificate of Registration during the first tender process, subsequently procured the Certificate of Registration on 15.10.2025.

7. In this view of the matter, the Official Respondents are directed to suspend all further proceedings in relation to the Tender Notification dated 14.11.2025 till the next listing.

8. The Principal Secretary, Department of Energy (Respondent No.1) is directed to place on record the entire record relating to the Tender Notification dated 12.09.2025 and also the Tender Notification dated

14.11.2025 in a Sealed Cover. The said documents shall be submitted before the Registrar (Judicial) on or before 05.01.2026.

9. List the matters on 06.01.2026 in the motion list.

//TRUE COPY//

SD/-U.SRI DEVI
DEPUTY REGISTRAR
Au
SECTION OFFICER

To,

1. The Registrar (Judicial), High Court of Andhra Pradesh, Amaravati.
2. The Principal Secretary, Energy Department, The State of Andhra Pradesh, Secretariat Building, Velagapudi, Amaravathi, Guntur District.
(by SPECIAL MESSENGER)
3. The Chairman and Managing Director, The Andhra Pradesh Eastern Power Distribution Corp. Ltd., Corporate Office Near Gurudwara P and T colony, Seetammadhara, Visakhapatnam-530013.
4. The Chief General Manger, Operations and CS, APEPDCL, Office Near Gurudwara P and T colony, Seetammadhara, Visakhapatnam-530013.
5. The Superintending Engineer, Operations, East Godavari Circle, APEPDCL Godavari Banda Road, Vulli Thota, Rajamahendravaram, East Godavari District.
6. The Executive Engineer, Operations, Rajamahendravaram Division APEPDCL, East Godavari District.
7. The Proprietor, S.Jaya Shankar Krishna, M/s. Sankar Infra, R/o.D.No.75-4-37/A, Karakatta North, Bhavanipuram, Vijayawada -520 001.
8. The Proprietor P. Surendra, M/s. Surendra Infra, R/o.D.No.21-72/1-506, Sri Enclave, NTR Statue Road, Gollapudi, Vijayawada-521225
(Addressee Nos. 3 to 8 BY SPEED POST)
9. One CC to Sri. V R REDDY KOVVURI, Advocate [OPUC]
10. Two CCs to GP FOR ENERGY, High Court Of Andhra Pradesh. [OUT]
11. One CC to Sri. V.V.SATISH, STANDING COUNSEL [OPUC]
12. One spare copy

JSS

HIGH COURT

GRKP, J

DATED:02/01/2026

LIST THE MATTERS ON 06.01.2026 IN THE MOTION LIST.

ORDER

WP.No.36833 of 2025

DIRECTION

