



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

**TUESDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

W.P.Nos. 36813, 36822, 36833 and 36836 of 2025

W.P.No.36813 of 2025

Between:

M/s. Sri Sai Constructions,, rep., by its Proprietor D.Ramprasad, Aged about 50 years, Occ- Contractor, R/o.D.No.2-277, Aanjaneya Nagar, 3rd APSP Quarters, Kakinada - 533005.

...Petitioner

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary, Energy Department, Secretariat Building, Velagapudi, Amaravathi, Guntur District and 5 others.

...Respondents

W.P.No.36822 of 2025

Between:

VINIKONDA MANIKAYALA 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 AP, rep., by its Principal Secretary Energy Department, Secretariat Building, Velagapudi, Amaravathi, Guntur District and 6 others.

...Respondents

W.P.No.36833 of 2025

Vinikonda Manikyala Rao,, S/o.VenkataTrinadhulu, Aged about 48years, 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 and 6 others

...Respondents

W.P.No.36836 of 2025

1. SRI SAI SERVICES, rep., by its Proprietor K.Venkata Rao, S/o.Singaiah, Aged about 46 years, Occ Contractor, Rio. D.No.69-14-966, 8th Line, Indra Colony, Sangadi Gunta, Near Ganesh Temple, Guntur - 522003.

...Petitioner

AND

1. THE STATE OF AP, rep., by its Principal Secretary, Energy Department, Secretariat Building, Velagapudi, Amaravathi, Guntur District and 6 others.

...Respondents

The Court made the following ORAL COMMON ORDER:

Heard Sri V.R. Reddy Kovvuri, learned Counsel for the Writ Petitioners, Sri V.V. Satish, learned Standing Counsel for APEPDCL and Sri T.S. Rayalu, Government Pleader for Energy.

2. At the request of both the parties, the facts mentioned in W.P.No.36813 of 2025 are referred to in this Common Order.

3. In compliance with the Order of this Court dated 02.01.2026, the Principal Secretary has forwarded the entire file relating to the earlier Tender that stood cancelled and also the current Tender. During the morning session, this Court had directed Sri V.V. Satish, learned Standing Counsel for APEPDCL to flag the relevant documents for the perusal of the Court. The flagged documents were perused by this Court during the lunch break.

4. Having sifted through the documents, it transpires that the Tender Notifications were called for nine areas on the last occasion. After subjecting the Bidders through the Technical Evaluation, it so emerged that only one Bidder remained in the competition, while the other Bidders for each of nine areas were disqualified on the technical grounds. On this basis, the Authority had decided to cancel the Tender Notification and issued fresh Tender Notification.

5. It is also an admitted fact that M/s Sankar Infra was disqualified during the first Notification due to non-submission of Registration Certificate as Class-1 Contractor and the said Firm has procured the Certificate and became the successful Bidder for one of the areas. It also transpires from the record that the Writ Petitioner herein namely M/s Sri Sai Constructions was also awarded one contract as the said Writ Petitioner stood successful in respect of Rajamahendravaram Rural. It is the submission of the learned Counsel for the Writ Petitioners that the Writ Petitioner herein has also quoted the same price as that of the Unofficial Respondent and that the Writ Petitioner has got past experience.

6. After sifting through the record, this Court is of the opinion that the Respondents have not committed any irregularity in granting the Tenders in favour of the Unofficial Respondent as stated above. The Writ Petitioner was also granted contract in respect of Rajamahendravaram Rural, and therefore, it cannot be said that the Writ Petitioner has been completely excluded and Respondents have acted either arbitrary or *malafide* in granting any undue favour in respect of the Unofficial Respondent.

7. It is a well settled law that the Court, in exercise of power of Judicial Review under Article 226 of Constitution of India, would not interfere in tender matters unless the process adopted or decision made by the authority was *malafide*. It is also a settled law that the contender of *malafides* will have to prove and establish the *malafides*. In the present case, the Writ Petitioners have not attributed any ill motives to the Respondents. This apart, it is settled law that the Government is at liberty to cancel the tender notification for a variety of reasons which are bonafide. [Please see i) ***Air India Ltd. V. Cochin International Airport Ltd.***, : (2000) 2 SCC 617 – Para No.7, ii) ***Delhi Development Authority and another v. Uee Electricals Engg.(P) Ltd. and another*** : (2004) 11 SCC 213 – Para 16, iii) ***Union of India and others v. Ashok kumar and others*** : (2005) 8 SCC 760 – Para 21 iv) ***Jagadish Mandal v. State of Orissa*** : (2007) 14 SCC 517 – Para No.22, v) ***Shimnit Utsch India Private Ltd., and Another v. West Bengal Transport Infrastructure Development Corporation Limited and Others*** : (2010) 6 SCC 303 – Para No.64, vi) ***Michigan Rubber (India) Ltd. v. State of Karnataka*** : (2012) 8 SCC 216, vii) ***Maa Binda Express Carrier and another v. North-East Frontier Railway and Others*** : (2014) 3 SCC 760 – Para Nos.8 to 12 viii) ***State of Jharkhan and others v. CWE- Soma Consortium*** : (2016) 14 SCC 172 – Para Nos.20 to 23, ix) ***Afcons Infrastructure Ltd. V. Nagpur Metro Rail Corporation Ltd.*** : (2016) 16 SCC 818 – Para No.15, x) ***Tata Motors Ltd. V. Brihan Mumbai Electric Supply & Transport Undertaking (BEST)*** : 2023 SCC OnLine SC 671, xi) ***Principal Chief Conservator of Forest and Others v. Suresh Mathew and Others*** :

2025 SCC OnLine SC 933 – Para No.22, xii) ***Prakash Asphaltings and Toll Highways (India) Ltd. V. Mandeepa Enterprises and Others*** : 2025 SCC OnLine SC 1959 and xiii) ***Sri Karthikeya Security Services v. Mc Lean India Ltd. And Others*** in W.A.No.964 of 2025 (High Court of Andhra Pradesh)]

8. In this view of the matter, this Court is of the opinion that these Writ Petitions are devoid of any merit. Accordingly, the Writ Petitions are dismissed. No Order as to Costs.

9. The original record shall be handed over to Sri V.V. Satish, learned Standing Counsel for APEPDCL and the same shall be acknowledged.

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

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 06.01.2026
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HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

W.P.Nos. 36813, 36822, 36833 and 36836 of 2025

06.01.2026

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