

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 238 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 26-04-2024 in W P No 7132/2023 on the file of the High Court.

Between:

M/s A1 Royal Services, Rep. by its Proprietor, Mr Mohammed Mehraj, S/o Mohammed Sirajuddin, Aged about. 46 years, R/o HNo.6-2-262, 2nd Floor, MG Complex, Vijaya Talkies Road, Pinjarla Street, Hanmakonda 506 001.

...**APPELLANT/PETITIONER**

(Petitioner in WP No.7132 of 2023 on the file of High Court)

AND

1. The Singareni Collieries Company Ltd, Rep by its Chairman & Managing Director, Near Nilopher Hospital, Lakdikapul, Hyderabad.
2. The General Manager, RG.III, The Singareni Collieries Company Ltd, Centenary Colony, Ramagundam Area 3, Peddapally District.
3. The Deputy General Manager (Purchase), The Singareni Collieries Company Ltd, Centenary Colony, Ramagundam Area 3, Peddapally District.
4. The S.O. to General Manager, The Singareni Collieries Company Ltd, Centenary Colony, Ramagundam Area 3, Peddapally District.
5. The Senior Section Officer, The Singareni Collieries Company Ltd, Centenary Colony, Ramagundam Area 3, Peddapally District.
6. M/s Sreeja Infra, HNo.6-3-82/A, Power House Colony, Godavarikhanni, Ramagundam, Peddapally District

...**RESPONDENTS/RESPONDENTS**

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 order dated 26-04-2024 in W.P. No.7132 of 2023 and consequently direct Respondent No.2 to 5 grant tender to the Petitioner by setting aside the impugned notice dated 25-02-2023 issued by the Respondent No.2.

**Counsel for the Appellant: Ms. SAMHITHA DEVARA REPRESENTING FOR
SRI P. RAMESH BABU**

**Counsel for the Respondent No.1 to 5: SRI P. SRI HARSHA REDDY
(SC FOR SINGARENI COLLIERIES CO LTD)**

Counsel for the Respondent No.6: SRI D. RADHA KRISHNA

The Court delivered the following: JUDGMENT

**THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA**

WRIT APPEAL No.238 of 2025

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul):*

Ms. Samhitha Devara, learned counsel represents Sri P. Ramesh babu, learned counsel for the appellant/writ petitioner; Sri P. Sri Harsha Reddy, learned Standing Counsel for Singareni Collieries Company Limited, for respondent Nos.1 to 5 and Sri D. Radha Krishna, learned counsel for respondent No.6.

2. The appellant/writ petitioner has called in question the legality, validity and propriety of notice dated 25.02.2023 in the Writ Petition. For providing outsourcing services of 71 Security Guards, a NIT was issued and the appellant, respondent No.6 and other persons/firms submitted their respective bids. By impugned notice dated 25.02.2023 in W.P.No.7132 of 2023, the appellant was held to be ineligible by giving a finding that "technically not acceptable". Assailing the notice and this finding, the writ petition was filed mainly with two-fold submissions. *Firstly*, even though the appellant submitted all necessary details about experience and eligibility to show that it was eligible, declaring it as "technically not acceptable" is incorrect. *Secondly*, for the reasons stated in the writ petition and supported documents, respondent No.6 was ineligible.

3. Learned counsel for the appellant submits that the learned Single Judge has dismissed the writ petition but did not specifically deal with the appellant's contention and documents which show that (i) the appellant was eligible and (ii) respondent No.6 was ineligible. By treating the stand of Singareni Collieries Company Limited as gospel truth, in paragraph No.13 of the impugned order dated 26.04.2024, the learned Single Judge opined that the appellant has not fulfilled the eligibility criteria. There was no independent discussion about the appellant's pleadings, documents and arguments which were advanced to show that the appellant was indeed eligible. Similarly, there is no iota of finding in relation to eligibility of respondent No.6.

4. Learned counsel for the other side supported the impugned order.

5. We have heard learned counsel for the parties at length.

6. We find substance in the argument of learned counsel for the appellant that the appellant devoted number of paragraphs in the writ affidavit and filed documents to show that (i) the appellant was eligible and (ii) respondent No.6 was ineligible.

7. A plain reading of the impugned order of learned Single Judge shows that the learned Single has reproduced various judgments of the Supreme Court dealing with the principles on the

envil of which contract matters are to be tested and then reached to the following conclusion:

“13. In the instant case, as per the counter-affidavit filed by Singareni Collieries Company Limited, petitioner has not fulfilled the eligibility criteria, hence, the Application of the 6th respondent, who is next to it, was considered and accepted. In view of the same, it cannot be said that the action of Respondents 4 and 5 as unlawful and arbitrary. This Court is therefore, not inclined to entertain the Writ Petition. The Writ Petition is devoid of merits and is liable to be dismissed.”

(emphasis supplied)

8. A plain reading of the aforesaid paragraph of the impugned order shows that the statement of Singareni Collieries Company Limited that the appellant was not fulfilling the eligibility criteria has been accepted by the learned Single Judge. No reasons were assigned as to why the appellant's stand that it was eligible was not acceptable. Likewise, there is no discussion about the allegation of ineligibility against respondent No.6.

9. Thus, in this backdrop, we deem it proper to set aside the impugned order of the learned Single Judge dated 26.04.2024 and restore W.P.No.7132 of 2023 to its original number with request to the learned Single Judge to rehear the parties and decide the matter expeditiously, preferably within thirty days, because, learned counsel for the parties informed us that the contract is coming to an end within ten months. The Registry shall list the

Writ Petition before the appropriate Bench on 26.03.2025. The interim order passed by the learned Single Judge in the Writ Petition will not revive pursuant to this judgment.

10. Accordingly, this Writ Appeal is **disposed of** without expressing any opinion on merits of the case. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/-I. NAGA LAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman and Managing Director, The Singareni Collieries Company Ltd, Near Nilopher Hospital, Lakdikapul, Hyderabad.
2. The General Manager, RG.III, The Singareni Collieries Company Ltd, Centenary Colony, Ramagundam Area 3, Peddapally District.
3. The Deputy General Manager (Purchase), The Singareni Collieries Company Ltd, Centenary Colony, Ramagundam Area 3, Peddapally District.
4. The S.O. to General Manager, The Singareni Collieries Company Ltd, Centenary Colony, Ramagundam Area 3, Peddapally District.
5. The Senior Section Officer, The Singareni Collieries Company Ltd, Centenary Colony, Ramagundam Area 3, Peddapally District.
6. The S.O. Writ (Non-service) Section
7. The S.O Posting Section
8. One CC to SRI P. RAMESH BABU, Advocate [OPUC]
9. One CC to SRI D. RADHA KRISHNA, Advocate [OPUC]
10. One CC to SRI P. SRI HARSHA REDDY (SC FOR SINGARENI COLLIERIES CO LTD) [OPUC]
11. Two CD Copies

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HIGH COURT

DATED:10/03/2025



JUDGMENT

WA.No.238 of 2025

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

(13)

Kpre.
12/3/25