

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**MONDAY, THE SEVENTEENTH 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: 163 OF 2025**

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 22/01/2025, in W.P. No. 12012 of 2023 on the file of the High Court.

**Between:**

M/s Krishna Constructions and Amrutha Canteen, Rep by its Proprietor, R. Jagdish Chandra Reddy S/o R. Damodar Reddy, Aged 63 years, Occ. Business, R/o Plot No.112, Krushi Nagar Colony, Bandlaguda, Nagole, Telangana State.

**...APPELLANT/WRIT PETITIONER**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Health Department, Secretariat, Hyderabad.
2. The Superintendent, Government General Hospital (GGH), Nalgonda District, Telangana State.
3. The District Collector, Nalgonda District, Telangana State.
4. The Additional District Collector, Nalgonda District, Telangana State.
5. Prasad Tiffins, Rep. by P. Bharath Kumar, S/o P. Prasad, 4-11-502/A2, Opp. DMHO R.P. Road, Nalgonda District, Telangana State.

**...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 dt. 22/01/2025 passed in W.P No. 12012 of 2023.

**Counsel for the Appellant: SRI M.A.K. MUKHEED**

**Counsel for the Respondent No.1 & 2: SRI. R. NAGARJUNA REDDY,**

**ASST. GP FOR MEDICAL, HEALTH & FW**

**Counsel for the Respondent No.5: SRI SRINIVAS RAO PACHWA**

**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.163 of 2025**

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

Sri M.A.K.Mukheed, learned counsel for the appellant;  
Sri R.Nagarjuna Reddy, learned Assistant Government Pleader for  
Medical and Health, for respondent Nos.1 and 2 and  
Sri Srinivas Rao Pachwa, learned counsel for respondent No.5.

2. Heard on admission.

3. This Intra-Court Appeal takes exception to the order,  
dated 22.01.2025, passed by the learned Single Judge in  
WP.No.12012 of 2023.

4. The admitted facts between the parties are that the appellant,  
who is the writ petitioner and respondent No.5 submitted their bids  
pursuant to the notification inviting tender issued in February,  
2023. The stand of learned counsel for the appellant is that the  
appellant was already running his canteen with the official  
respondents. The appellant's technical bid was considered and no  
deficiency was pointed out. He was shocked to see the proceedings  
dated 24.03.2023 (Page No.94), wherein the writ petitioner despite  
being L1 has not been given the tender. Instead, respondent No.5

was granted tender, which was called in question before the Writ Court.

5. The bone of contention of learned counsel for the appellant is that since the appellant was already running the canteen with the official respondents and in the technical bid, no deficiency was pointed out, the appellant should not have been deprived for not producing the Food Safety Licence. However, this Food Safety Licence was "subsequently" produced by the appellant. Thus, Writ Court was not justified in rejecting the writ petition.

6. The learned counsel for the respondents supported the impugned order and pointed out that as per the terms and conditions of tender notification, the bidder was required to submit necessary documents such as trade licence, labour licence, Food Safety Licence as well as Sales Tax Certificate. Condition No.19 of the tender conditions was pointed out. The learned Single Judge in the impugned order of aforesaid writ petition has pointed as under:

" 7. Having heard learned counsel on either side and having perused the material on record, it is clear that tender process in question was initiated by the 2<sup>nd</sup> respondent through a notification issued in February 2023; terms and conditions of which explicitly required bidders to submit an Earnest Money Deposit (EMD) of Rs. 2,00,000/- along with mandatory documents, including a valid Food Safety License, Trade License, Labour License, Sales Tax Certificate, etcetera. Admittedly, petitioner and the 5<sup>th</sup> respondent participated in the bidding process wherein petitioner quoted Rs. 48,000/- while the 5<sup>th</sup> respondent at Rs. 33,000/- per month. However, upon scrutiny of the documents, petitioner's bid was found non-compliant due to the absence of a valid Food Safety License. The Tender Committee, comprising Additional Collector, Superintendent

GGH, and CSFMO GGH, evaluated the bids on 22.02.2023, disqualified petitioner for non-compliance with mandatory requirements and negotiated with the 5<sup>th</sup> respondent to match the highest bid. This negotiation resulted in the 5<sup>th</sup> respondent agreeing to pay Rs. 48,000/- per month. Therefore, the impugned proceedings was issued awarding contract to the 5<sup>th</sup> respondent and on the same date, petitioner was directed to vacate the premises by 16.04.2023. In the light of the above, it is clear that disqualification of petitioner was based on a clear and objective criterion. Furthermore, petitioner suppressed material facts, including his non-compliance with tender requirements and the committee's subsequent negotiation with the 5<sup>th</sup> respondent. Suppression of such facts undermines the Petitioner's case and casts doubt on their *bona fides*."

7. A plain reading of this paragraph shows that since the appellant did not produce the valid Food Safety Licence along with his bid, the authorities have treated him as disqualified. The learned Single Judge in paragraph No.8 of the impugned order has rightly held that the scope of judicial review in tender matters is limited. This Court is mainly concerned with the correctness of the decision making process. Otherwise, in the present day economic activities, it is within the province of employer to decide as to whom contract is to be given. So far the decision making process is concerned, we are constrained to hold that no fault can be found in such decision making process. Merely because the appellant was running canteen for the last few years, it does not give him any licence not to produce the valid Food Safety Licence, when it was a mandatory eligibility condition of tender inviting notification.

8. Pertinently, the appellant has not chosen to file Food Safety Licence along with this Writ Appeal also, whereas, said licence of

respondent No.5 is filed along with Writ Appeal. Thus, we find no difficulty in accepting the finding of the learned Single Judge that along with tender documents essential document establishing eligibility was not filed. Thus, no fault can be found in the decision making process. Apart from that, pursuant to a negotiation, the L2 agreed to pay tender quoted price which was offered by the L1. Thus, the employer has taken care of its institution's financial health and interest. The learned Single Judge has taken a plausible view. In absence of producing valid Food Safety License, the appellant could not get any enforceable right to participate in the proceedings and succeed.

9. The Writ Appeal *sans* substance and is hereby **dismissed**. No costs.

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

SD/-I.NAGALAKSHMI  
DEPUTY REGISTRAR

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SECTION OFFICER

- To,
1. One CC to SRI M.A.K. MUKHEED, Advocate [OPUC]
  2. One CC to SRI SRINIVAS RAO PACHWA, Advocate [OPUC]
  3. Two CCs to GP FOR MEDICAL, HEALTH & FW, High Court for the State of Telangana. [OUT]
  4. Two CD Copies

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**HIGH COURT**

**DATED:17/03/2025**

**JUDGMENT**

**WA.No.163 of 2025**



**DISMISSING THE WRIT APPEAL  
WITHOUT COSTS**

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27/3/25  
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