

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

**MONDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 280 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order
Dated 19/02/2026, in W.P.No.3709 of 2026 on the file of the High Court.

Between:

Sri Srinivasa Constructions, H.No.9-4-358/1, Sapthagiri Colony, Karimnagar,
Karimnagar District, Rep. by its Managing Partner Sri A. Dasharatha Reddy,
S/o. Narayana Reddy, Aged about 52 years, Occ. Business.

...APPELLANT/WRIT PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Roads and Buildings, Dr. B.R. Ambedkar Telangana State Secretariat, Hyderabad.
2. The Commissioner of Tenders, Government of Telangana, Chinthala Bhashthi, Khairatabad, Hyderabad.
3. The Chief Engineer (R and B), Central Road Infrastructure Fund (CRIF), Erramanzil, Hyderabad.
4. The Superintending Engineer (R and B), Karimnagar Town and District.

...RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2026

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 grant stay of all further proceedings including receiving of tender applications pursuant to the tender notifications vide NIT No.05/DSE/SEK/R and B/KMNR/2025-26/CRF/05, Dt.24/01/2026 and NIT No.06/DSE/SEK/R and B/KMNR/2025-26/CRF/06, dated 27/01/2026 respectively issued by the 4th respondent, pending disposal of Writ Appeal.

**Counsel for the Appellant: SRI ALLADI RAVINDER, SENIOR COUNSEL FOR
SRI KRISHNA KISHORE KOVVURI
Counsel for the Respondents: SRI TERA RAJINIKANTH REDDY,
ADDL. ADVOCATE GENERAL**

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No. 280 of 2026

Dated: 09.03.2026

Between:

Sri Srinivasa Constructions

...Appellant

and

The State of Telangana,
Rep. by its Principal Secretary,
Department of Roads and Buildings,
Dr. B.R.Ambedkar Telangana State Secretariat, Hyderabad,
and 3 others.

...Respondents

JUDGMENT:

Sri Alladi Ravinder, learned Senior Counsel, representing learned counsel Sri Krishna Kishore Kovvuri, appears for the appellant.

Sri Tera Rajinikanth Reddy, learned Additional Advocate General, appears for the respondents.

2. The appellant is the petitioner in W.P.No.3709 of 2026, who was a bidder under NIT No.02/DSE/SEK/R&B/KMNR/2024-25/CRF/02, dated 15.11.2025 and NIT No.03/DSE/ SEK/R&B/KMNR/2024-25/CRF/03, dated 15.11.2025, for certain works of widening and strengthening of single lane to double lane road from Arnakonda Village of Choppadandi Mandal to Mallial X road from km 0/0 to 35/00 via Gopalraopet Village of Ramadugu Mandal in Karimnagar District under Central Road Infrastructure Fund and also for other works. It was aggrieved by the cancellation of the said tenders and issuance of fresh tenders in NIT No.05/DSE/ SEK/R&B/KMNR/2025-26/CRF/05, dated 24.01.2026, and NIT No.06/DSE/SEK/R&B/KMNR/2025-26/CRF/06, dated 27.01.2026, as according to it, the terms and conditions prescribed in the fresh tenders were designed to exclude it from the zone of eligibility. The learned writ court after considering the stand of the parties, by impugned order dated 19.02.2026, declined to grant the relief as there were no established *mala fides* or perversity or procedural irregularity on the part of respondent No.4 in cancelling the earlier tenders and issuing fresh tenders. Moreover, Clause 28.2 of the Instructions to Tenderers empowered the employer to cancel the tender without assigning any reasons.

3. On the part of the appellant, attention has been drawn to Clause 8 of the fresh tenders containing the bid capacity, which provides a formula for evaluating the capacity of an interested bidder. Learned Senior Counsel for the appellant has drawn the attention of this Court to paragraphs 10, 11 and 12 of the affidavit filed along with the writ petition to show as to how the formula works to the disadvantage of the appellant and has effectively excluded it from the zone of consideration. It is submitted that the formula 2AN-B is framed in a manner that the nature of works now advertised to be completed in a reduced time frame would oust the appellant, though it has for the last ten years been executing such civil engineering works within a prescribed period of completion which is more than the present tenders. This factual assertion has not been controverted by the respondents in their counter affidavit. The appellant has alleged *mala fides* against the officials in framing the terms and conditions of the tenders, though no one by name has been impleaded as a party.

4. On the part of the respondents, it has been contended that the earlier tenders were cancelled to incorporate certain additional works relating to side drains and drainage facilities in the revised project which are essential to overcome flooding and to ensure good drainage facility

to avoid damages to road. The work period was reduced for smooth traffic movement during the upcoming Godavari Pushkaralu scheduled in the month of July, 2027. The respondents had relied upon Clause 28.2 of the Instructions to Tenderers, which empowers them to cancel the tenders at any stage without assigning reasons.

5. Learned Additional Advocate General appearing for the respondents submits that the appellant has not participated in the fresh tenders and has therefore no *locus standi* to challenge the terms and conditions thereof. The bid capacity, which the appellant alleges, does not exclude it from the eligibility to participate. Whether the appellant could technically qualify or not would have been assessed at a later stage during evaluation of the technical bids. It is submitted that the learned writ court took into account the stand of the parties and also referred to certain decisions such as **Jagdish Mandal v. State of Orissa**¹, **Michigan Rubber (India) Ltd. v. State of Karnataka**², **Montecarlo Ltd. v. NTPC Ltd.**³, **Silppi Constructions Contractors v. Union of India**⁴ and also the decision in **Balaji Ventures Private Limited v. Maharashtra State Power Generation Company Limited**⁵

¹ (2007) 14 SCC 517

² (2012) 8 SCC 216

³ (2016) 15 SCC 272

⁴ 2019 SCC OnLine SC 1133

⁵ 2022 SCC OnLine SC 1967

and rightly came to the conclusion that the appellant failed to establish any *mala fides* or perversity or irregularity on the part of the respondents in issuing the fresh tenders after cancellation of the earlier tenders. Therefore, the appellant has not made out a case for interference in the impugned order.

6. We have heard learned counsel for the parties and taken note of the relevant terms and conditions of the impugned tenders. Though the appellant has alleged *mala fides*, but it has not impleaded any of the officials by name.

7. On a mere perusal of Clause 8 of the fresh tenders prescribing the bid capacity and also the averments made by the appellant at paragraphs 10, 11 and 12 of the affidavit filed along with the writ petition, it cannot be concluded that the formula prescribed to assess the bid capacity of an eligible tenderer was intended to exclude the appellant with a *mala fide* intention. Laying down of the terms and conditions of any such tender is within the domain of the employer, and are not open to judicial review unless they are patently arbitrary. The learned writ court has, on consideration of the rival submission of the parties and on perusal of the materials on record, therefore, rightly held that there is no irregularity or perversity or *mala fides* in cancellation of the previous tenders and

issuance of the present tenders. The present tenders also contain additional works for which the earlier tenders were cancelled. Such action of the respondents, therefore, cannot be termed as arbitrary or actuated by *mala fides* only with an intention to exclude the appellant. Therefore, we do not find any error or infirmity in the impugned order.

8. The writ appeal is accordingly dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

**SD/-A.V.S. PRASAD
DEPUTY REGISTRAR**

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1. One CC to SRI KRISHNA KISHORE KOVVURI, Advocate [OPUC]
2. Two CCs to ADDL ADVOCATE GENERAL, High Court for the State of Telangana, at Hyderabad. [OUT]
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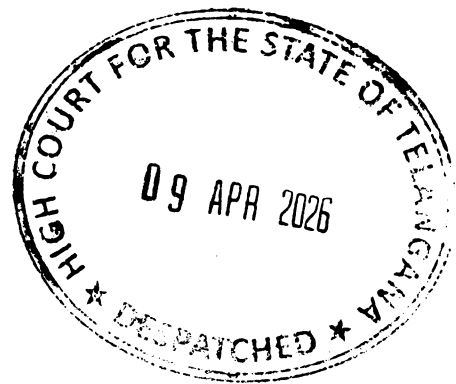
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HIGH COURT

DATED:09/03/2026

JUDGMENT

WA.No.280 of 2026



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

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