

1979 June 9

[STAVRINIDES, J.]

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

PANAYIOTIS PYLIOTIS,

*Applicant,*

v.

THE REPUBLIC OF CYPRUS, THROUGH

1. THE MINISTRY OF FINANCE,

2. THE PRESIDENT OF THE TENDER BOARD,

*Respondent.*

(Case No. 135/68).

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*Tenders—Instructions to would-be tenderers—Omission to include certain information therein—Not amounting to abuse of power—Because would-be tenderers could have applied to the respondents for such information before submitting their tenders.*

Following the submission of a tender by the applicant for the 5  
laundering and dry-cleaning of items of clothing for the National  
Guard he was on February 24, 1968 informed by the Ministry of  
Defence that “the Tender Board had accepted his tender for the  
laundering and dry-cleaning of items of clothing for the National 10  
Guard for the District/Centre of Famagusta and Tricomu/Ya-  
lousa”. As contracts for other areas had been awarded to other  
tenderers the applicant, by means of this recourse, prayed for a  
declaration that the award of such contracts “is null and void and  
of no effect whatsoever”.

Counsel for the applicant pointed to the fact that neither the 15  
leaflet instructing would-be tenderers nor the printed form for  
use in tendering stated the quantity of any of the items in respect  
of which tenders were invited, and that this was “an abuse of  
power” because “(a) it prevented a tenderer who would be pre-  
pared to made the lowest overall tender from doing so without 20  
reducing his prices to unprofitable levels, since the lowest pro-  
fitable price for each item depended on the quantity of that item;



The applicant duly submitted separate tenders for each military area except the Nicosia, Paphos and Tilliria areas.

On the following February 24 the applicant received a letter from the Ministry of Defence (*exhibit 3*) informing him that “the Tender Board had accepted his tender for the laundering and dry-cleaning of items of clothing for the National Guard for the District/Centre of Famagusta and Tricomo/Yaloussa” (*exhibit 3*). It is not disputed by the respondent that a contract or contracts for other areas had been awarded to another tenderer or other tenderers; and what the applicant is praying for is a declaration that the award of a contract or contracts in respect of those other areas to another tenderer or tenderers “is null and void and of no effect whatsoever”.

It is a fact that neither *exhibit 1* nor *exhibit 2* states the quantity of any of the items in respect of which tenders were invited, and the case for the applicant is that this was “an abuse of power” for these reasons: “(a) It prevented a tenderer who would be prepared to make the lowest overall tender from doing so without reducing his prices to unprofitable levels, since the lowest profitable price for each item depended on the quantity of that item; (b) it left tenderers in the dark as to the amount of work it involved with the possible result that a successful tenderer might be unable to cope with the volume of work involved”.

While I consider points (a) and (b) reasonable in themselves, I do not agree that the omission of the information in question from either *exhibit* need have had the effect contended for. It seems to me that there is a complete answer to the applicant’s case, and that is that, as pointed out in a letter from the Chairman of the Tender Board to the applicant dated March 6, 1968 (*exhibit 6*), before submitting his tenders he could have applied to the Ministry for the information, which it is not suggested that he did.

For the above reasons the application is dismissed. In all the circumstances I make no order as to costs.

*Application dismissed. No order as to costs.*