



W.P(MD)No.16699 of 2020

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH
COURT**

DATED : 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.16699 of 2020
and
W.M.P(MD)Nos.13945, 13952 of 2020

Asian Power Lines
Rep by its Proprietor,
E.Ramesh,
No.3/85-D, Thirunagar,
Thelichathanallur,
Paramakudi,
Ramanathapuram District.

... Petitioner

Vs.

1.The Government of Tamilnadu

Rep by its Secretary,
Rural Development and Panchayat Raj Department,
Fort St.George,
Chennai – 600 009.



W.P(MD)No.16699 of 2020

2.The District Collector/ Project Director,
District Rural Development Agency,
Tenkasi District.

3.The Chairperson/Coordinator/Project Director,
Tender Evaluation Committee,
District Rural Development Agency,
Tenkasi District.

4.M/s.Priyam Industries and Engineering Private Ltd.,
Reg. Office No.625
Surya Complex, II Floor,
Anna Salai,
Chennai – 600 006.

5.Arun Indian Motors
No.5, Gandhi Road,
Salem.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus Calling for the records relating to the impugned proceedings of the



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respondents 2 and 3 herein in the technical bid updated on 29.10.2020 and uploaded in the web-site on 31.10.2020 in so far as accepting technical bids of respondents 4 and 5 herein and that of the impugned price bid of the respondent 2 and 3 herein updated on the same date on 29.10.2020 in so far as accepting the 4th respondent herein as L1 and 5th respondent as the second lowest tenderer and all further proceedings pursuant thereto, quash the same and consequently direct the respondents 2 and 3 herein to complete the tender by negotiating the price bid with the remaining tenderers.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.K.S.Selvaganesan – for R1 to R3
Additional Government Pleader

Mr.R.Sriram – for R4

Mr.M.Karunanithi – for R5

ORDER

This Writ Petition has been filed challenging the proceedings of the second and third respondents, dated 29.10.2020



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which was uploaded on 31.10.2020 in so far as accepting the technical bids of the respondents 4 and 5. The petitioner has also challenged the price bid of the respondents 2 and 3 updated on 29.10.2020 in so far as accepting the fourth respondent as L1 and fifth respondent as L2.

2. When the above Writ Petition was entertained by this Court, an order of interim stay was passed by this Court directing the second respondent not to issue any work order to the successful bidder until further orders. This order was passed on 20.11.2020. Since the interim order continued and no progress was made, the second respondent has taken a decision and the same was furnished to this Court by way of written instructions and the relevant portions are extracted hereunder :

“ஒளிவு மறைவற்ற ஒப்பந்தப்புள்ளி
நடவடிக்கைகளே மேற்கொள்ளப்பட்டது மற்றும்
எந்த விதிமுறைகளும் மீறப்படவில்லை என்ற
விபரம் நீதிமன்றத்திற்கு சமர்ப்பிக்கப்படுகிறது.



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மேலும் ஒப்பந்தப்புள்ளி கோரப்பட்டு மூன்று ஆண்டுகள் கடந்துவிட்டதால் விலைப்புள்ளி மாற்றம் ஏற்பட்டுள்ளது. எனவே, மின்கல குப்பை வண்டிகள் விலைப்புள்ளிகள் அடிப்படையில் தற்போது கொள்முதல் செய்ய இயலாது. மேலும், ஊரக வளர்ச்சி மற்றும் ஊராட்சி இயக்கக ஆணையர் அவர்களது கடித எண்.89215/2017/SBM(G)-3 Dated : 18.08.2022-ன்படி மின்கல குப்பை வண்டிகளை Gem Portal-மூலம் கொள்முதல் செய்ய அறிவுறுத்தப்பட்டுள்ளது.

எனவே, மேற்காணும் காரணங்களின் அடிப்படையில் 18.09.2020-ம் தேதியின் ஒப்பந்தப்புள்ளியை நீதிமன்றம் மூலம் இரத்து செய்ய அனுமதி வழங்கிட பணிவுடன் கேட்டுக்கொள்கிறேன்.”

3. It is clear from the above that the second respondent has now decided to cancel the tender and to proceed further with the work through an alternative source.



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4. In the light of this stand taken by the second respondent, no further orders are required to be passed in this Writ Petition. However, there shall be a direction to the second respondent to communicate the decision to the respondents 4 and 5 within a period of two weeks from the date of receipt of a copy of this order. If the fourth and fifth respondents are aggrieved by the decision taken by the second respondent, they shall work out their remedy in the manner known to law.

5. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

06.12.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

RM



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N.ANAND VENKATESH, J.

RM

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