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W.P.(MD) No.29456 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.29456 of 2023

and

W.M.P.(MD)Nos.25418 & 25419 of 2023

M/S.Vardan Enterprise,
represented by its General Manager,
G.Meena,
Having office at
695, Ganapthy Maa Nagar,
Coimbatore – 641 034.

... Petitioner

Vs.

The Joint Director of Agriculture,
Department of Agriculture,
Kattupudukulam Road,
Pudukottai, Pudukottai District - 622 001.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned Tender report issued by the respondent dated 16.11.2023 and quash the same and consequently direct the respondent to reconsider the petitioner's application.

Page 1 of 6



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W.P.(MD) No.29456 of 2023

For Petitioner : Mr.V.Devakumar
For Respondent : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard both sides.

2.The respondent issued tender notification for supply of “Raw materials for the production of micronutrient mixtures and printed polyester covers for packing”. Supply was invited in respect of as many as ten items. The last date of receipt of tender was 11.10.2023 and it was to be opened on the same date. The petitioner had participated for 4 items out of 10.

3.When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner would confine his case in respect of only one item that is Sodium Tetraborate. I wondered if the petitioner could be granted relief but the respondent pointed out that in the tender notification, the following condition had been incorporated:



W.P.(MD) No.29456 of 2023

3.3 1.Net Worth

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The Net Worth of the tenderer shall be calculated from the annual audited reports of the company for the three preceding financial years (i.e), 2019-20, 2020-21 and 2021-22 which should be attached to Appendix 3, as stated therein.

The net worth and average annual turnover of the tenderer shall be as follows:

Table:4

SI. No.	Name of the item	Approximate Quantity in MT	Net Worth (Rs. in lakhs)	Average Annual turnover (Rs. in lakhs)
1.	Ferrous Sulphate	650	38.27	153.06
2.	Manganese Sulphate	480	142.30	569.18
3.	Zinc Sulphate Mono Hydrate	380	126.86	507.42
4.	Sodium Tetraborate	440	151.51	606.02
5.	Copper Sulphate	75	72.37	289.49
6.	Magnesium Sulphate	400	23.44	93.75
7.	Ammonium Molybdate	2.5	28.85	115.40
8.	Printed Polyester covers a)25x26cm 400 guage (by weight 40-45 nos/kg) b)25x26cm 400 guage (by weight 55-60 nos/kg)	40	50.09	200.36
9.	Printed Polyester Roll for Automatic Packing & Sealing Machine	6	7.27	29.06
10.	Gypsum	1000	13.42	53.69



W.P.(MD) No.29456 of 2023

If the petitioner had competed only for one item alone, certainly she did have the necessary net worth because she had bid for four items, she fell below the net worth prescribed in the tender notification. That is why she was disqualified at the technical bid stage.

4.The learned Additional Government Pleader informed the Court that the financial bid had been opened and proposal has already been sent to the higher authorities for approval on 16.11.2023 itself. He also added that for this item, as many as four persons had competed. I am satisfied that the tender process had been conducted in fair and transparent manner and while disqualifying the petitioner, the respondent had only applied the norms set out in the tender notification. I do not find any ground to fault the respondents.

5.This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.12.2023

NCC :No
Internet :Yes
Index :No
MGA



W.P.(MD) No.29456 of 2023

To
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The Joint Director of Agriculture,
Department of Agriculture,
Kattupudukulam Road,
Pudukottai,
Pudukottai District 622 001.



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W.P.(MD) No.29456 of 2023

G.R.SWAMINATHAN, J.

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W.P.(MD)No.29456 of 2023
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