

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.05.2015

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THE HONOURABLE MR. JUSTICE R. SUBBIAH

W.P. No. 14140 of 2015

&

M.P. No. 2 of 2015

M/s. Consolidated Construction

Consortium Ltd.,

rep. By its Managing Director,

Mr.S. Shivaramakrishnan,

No.5, 2nd Link Street,

CIT Colony, Mylapore,

Chennai - 600 004.

..Petitioner

Vs.

1. The Secretary,
Department of Industries,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. Deputy Secretary,
Municipal Administration and
Water supply (G1),
Secretariat,
Chennai - 600 009.
3. The Tamil Nadu Newsprints and
Papers Limited,
rep. By its Chairman,
No.67, Mount Road, Guindy,
Chennai - 600 032.
4. The Chairman,
Tamil Nadu Water Supply and
Drainage Board,

No.31, Kamaraj Salai,
Chepauk,
Chennai - 600 005.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records pertaining to the decisions of the meetings dated 19.09.2013, being item No.13, 230th meeting and consequent proceedings leading to the petitioner company being banned for working contract for two years from 01.10.2013 imposed by the 3rd respondent which was communicated on 28.04.2015 to the 1st respondent leading to the second proceedings of the 2nd respondent by Letter No. 11346/General/2015-1 dated 29.04.2015 and quash the same.

For Petitioner :: Mr.K. Ramu for
 Mr.S.S. Rajesh

For Respondents :: Mr.P. Sanjay Gandhi
 Addl. Govt. Pleader for
 R1, R2 & R4
 Mr.Shivakumar for
 M/s. Shivakumar & Suresh
 for R3

O R D E R

This writ petition is filed for issue of a Writ of Certiorari to call for the records pertaining to the decisions of the meetings dated 19.09.2013, being item No.13, 230th meeting and consequent proceedings leading to the petitioner company being banned for working contract for two years from 01.10.2013 imposed by the 3rd respondent which was communicated on 28.04.2015 to the 1st respondent leading to the second proceedings of the 2nd

respondent by Letter No. 11346/General/2015-1 dated 29.04.2015 and to quash the same.

2. The petitioner Company is a reputed Construction Company and have constructed and developed various factories, buildings (residential and commercial) Malls, Airports, Metro Stations etc. During the regular course of business, the petitioner Company participated in the tender floated by the 3rd respondent herein for execution of providing Water Supply improvement scheme for Kovilpatti Municipality in Thoothukudi District including maintenance for a period of 12 months - balance work (period of completion 8 months). At the time of opening of tender, though the technical and financial bids of the petitioner company were found to be well within the norms and requirements of the 3rd respondent and the petitioner Company was all set to be suitably considered for awarding the contract, they received a letter dated 27.03.2015 from the Chief Engineer under the 3rd respondent herein, wherein it was mentioned that the 2nd respondent herein, through his letter dated 04.02.2015 had intimated that the petitioner company is found at Serial No.9 in the additions to the list of Work Contractors, who are banned/blacklisted for the year ending 31.12.2013 for a period of 2 years from 01.10.2013. The petitioner Company immediately wrote a letter dated 27.03.2015 to the Additional Chief Secretary, Government of Tamil Nadu, Industrial Department

that they have not participated in any tender floated by the Tamil Nadu Industrial Departments for the last 5 years and hence, sought for clarification. By letter dated 29.04.2015, the 2nd respondent herein enclosed a letter dated 28.04.2015 said to have been received by him from General Manager, Tamil Nadu Newsprint and Papers Limited, wherein it has been informed that Petitioner is one such contractor, whose business relationship has been suspended for 2 years commencing from October, 2013. The 3rd respondent had also addressed a letter dated 28.04.2015 to the 1st respondent mentioning that the business relationship with the petitioner is suspended for 2 years from October, 2013. According to the petitioner, neither any show cause notice nor any opportunity was given to them to putforth their defence, as against the decision taken by the 3rd respondent in their 230th meeting on 19.09.2013 to suspend the business relationship with them for a period of 2 years. Further, the suspension of business relationship has also caused serious prejudice to the petitioner Company's reputation, besides causing huge financial loss to the exchequer. Hence, the present writ petition.

3. Heard the learned counsel on either side.
4. When the writ petition came up before this Court on 06.05.2015, notice was ordered to respondents 3 and 4. Today, when the matter is taken up, learned counsel for the 3rd respondent submitted that the petitioner Company has never been blacklisted and that their business

relationship has been suspended in respect of TNPL Project Unit II Phase I alone till October, 2015.

5. The above submission made by the learned counsel for the 3rd respondent is recorded.

6. In view of the above submission made by the learned counsel for the 3rd respondent, I am of the opinion that there is no impediment for the 4th respondent to consider the petitioner Company for other tenders. Observing so, the writ petition is disposed of. No costs. Connected M.P. Is closed.

14.05.2015

nv

(Note to Office: Issue order copy

by **18.05.2015**)

To

1. The Secretary,
Department of Industries,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

R. SUBBIAH,J.

nv

2. Deputy Secretary,
Municipal Administration and
Water supply (G1),
Secretariat,
Chennai - 600 009.
3. The Tamil Nadu Newsprints and
Papers Limited,
rep. By its Chairman,
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