



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.09.2015

CORAM

THE HONOURABLE **MR.JUSTICE R.SUBBIAH**

W.P(MD) .No.16725 of 2015

and

M.P(MD)No.1 of 2015

Jyothi Constructions,
Rep. By its Managing Partner,
Mr.A.M.G.Vijayakumar

...Petitioner

Vs.

1.The Superintending Engineer(Highways) (H) , (A/c)C & M,
TVS Tollgate,
Tiruchirappalli -20.

2.The Divisional Engineer(Highways),
Quality Control,
Highways Department,
Tiruchirappalli Circle,
Tiruchirappalli-20.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to consider the application of the petitioner, dated 09.09.2015 on merits and without insisting upon the working condition certificate as stipulated in Annexure-I of tender conditions with relation to "Strengthening and Improvements including Reconstruction of Culverts, Construction of Retaining Walls in Govt. Road in respect of Thiruvavarur(H) C & M Sub Division Package-91" in tender notice No.T.N.No.16/2015-16/HDO, dated 03.08.2015" issued by the first respondent.

For petitioner

: Mr.G.R.Swaminathan for
M/S.P.Solomon Francis

For Respondents

: Mr.V.Pandi,
Government Advocate

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus to consider the application of the petitioner, dated 09.09.2015 on merits and without insisting upon the 'working condition certificate' as stipulated in Annexure-I of tender conditions with relation to "Strengthening and Improvements including Reconstruction of Culverts, Construction of Retaining Walls in Govt. Road in respect of Thiruvavarur(H) C & M Sub Division Package-91" in tender notice No.T.N.No.16/2015-16/HDO, dated 03.08.2015" issued by the first respondent.



2. Mr.V.Pandi, learned Government Advocate takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. The case of the petitioner is that the petitioner is a Class-I Contractor for Tamil Nadu & Pondichery and is registered with the Highways & PWD Departments to carry out works and contracts with relation to Government Projects. The first respondent on 03.08.2015 issued a tender notice with relation to the "Strengthening and Improvements including Reconstruction of Culverts, Construction of Retaining Walls in Govt. Road in respect of Thiruvarur(H) C & M Sub Division Package-91" in tender notice No.T.N.No.16/2015-16/HDO, dated 03.08.2015". The tender documents were uploaded in the respondents' website on 03.08.2015. The tender notice was issued under a two party system, consisting of Technical Part and Financial Part. The first respondent while issuing the tender notice has stipulated a condition in Annexure-I to the tender document, which reads as follows:

"Note:1, Working condition certificate should be obtained from the Divisional Engineer(H) Quality Control concerned and enclosed along with P.Q documents for the above equipments."

It is stated in the tender notice that the submitted technical bid will be opened at 3.00 p.m., on 11.09.2015. Now, it has been postponed to 18.09.2015. Hence, the petitioner applied to the second respondent on 09.09.2015 requesting him to inspect the premises of the petitioner and issue a working condition certificate. But the said application was not considered till date. Hence, he has come forward with this writ petition.

5. Considering the submissions made on either side, without going into the merits of the matter, the second respondent is directed to inspect the petitioner's premises with regard to issuance of Working Condition Certificate and pass appropriate orders on or before 17.09.2015. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Per.Admn.)

/True Copy/

Sub Assistant Registrar



To

1.The Superintending Engineer(Highways) (H) , (A/c)C & M,
TVS Tollgate, Tiruchirappalli -20.

2.The Divisional Engineer(Highways) ,
Quality Control,
Highways Department,
Tiruchirappalli Circle,
Tiruchirappalli-20.

+1cc to Mr.A.Arun Prasad, Advocate Sr.No.54450

+1cc to The Special Government Pleader Sr.No.54353

akm/15.09.2015 /3p-5c/

W.P(MD) .No.16725 of 2015
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