

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.3.2016.

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13670 of 2015
and
M.P.Nos.1 and 2 of 2015

Builders Association of India (Reg.No.F-9027)
Rep by the Chairman Mr.L.Carttigueane
No.9 First Cross
Sree Kumaran Nagar Mudaliarpet
Puducherry 605 004 ... Petitioner

vs.

The Pondicherry State Co-operative
Housing Federation Ltd.
P.486 Represented by its
Managing Director
7th Cross Thanthai Periyar Nagar
Puducherry. Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records pertaining to the E-Tender notice No.1/15 dated 08.04.2015 issued by the respondent through the online E-tender web portals namely KEONICS and www.tenderwizard.com/puducherry for the opening of the technical bid, financial bid and cover A on 30.04.2015 or on any other subsequent dates in pursuance to the pre conditions incorporated in E-tender notice dated 08.04.2015 in gross violation of Articles 14 and 19 of the constitution of India pertaining to the construction of residential flats for the Pondicherry State Co-operative Housing Federation Limited at Muthupillaipalayam, Puducherry in respect of construction of blocks 1, 2, 3, 5 and 6 and quash the same and consequently forbear the respondent, its, men, agents, servants or any one claiming from or under it from in any manner from opening the technical bid, financial bid and cover A on 30.4.2015 or on any other subsequent dates pertaining to the construction of residential flats for the Pondicherry State Co-operative Housing Federation Limited at Muthupillaipalayam, Puducherry in respect of construction of blocks 1, 2, 3, 5 and 6.

For Petitioner : Mr.R.Abdul Mubeen

For Respondent : Mr.L.Swaminathan

ORDER

Petitioner is a Builders Association of India and they are aggrieved by the notification issued by the respondent-Federation calling for offers through e-Tender for construction of residential plots for Pondicherry State Co-operative Housing Federation Limited.

2. Admittedly, the petitioner association is not a bidder in the e-Tender. Therefore, at their instance, the correctness of the tender process cannot be gone into as they are not an aggrieved person. It may be true that certain members of the petitioner association would have participated in the tender and would be interested in the tender. However, it is not a reason to entertain a writ petition at the instance of the petitioner association which does not have a locus standi. The observation made by this court while entertaining the writ petition on 30.4.2015 is of little avail since the petitioner association is not a bidder in the e-Tender. The learned counsel for the petitioner submits that till date, the tender process has not begun. If it is so, it is always open to the individuals who are aggrieved to work out their remedy in the manner known to law. With this observation, the writ petition is closed. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Pondicherry State Co-operative,
Housing Federation Ltd.
P.486 Represented by its,
Managing Director,
7th Cross Thanthai Periyar Nagar, Puducherry.

+ 1 CC to Mr.L.Swaminathan, Advocate SR NO 18785[9/6/16]

W.P.No.13670 of 2015

msm(CO)

srg(11/04/2016)