

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19459 of 2016

PSA Mettur Fish Seeds Sales Center,
Rep by Mr.S.Prasanna Venkatesh.

.. Petitioner

Vs.

The Commissioner,
Fisheries Department,
DMS Compound,
Teynampet,
hennai-6.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to accept the Stunted Growth Centralized Seeds for 100 gms. weight by relaxing the tender condition.

For Petitioner : Ms.Selvi George

For Respondent : Mr.S.Pattabiraman,
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that the respondent had invited tenders for supply of live fresh water fish seeds of 100 gms. in size (the total number of fish seeds approx. 20,00,000 seeds) or above in selected water bodies in Kancheepuram and Thiruvallur District under NADP 2015-2016 scheme and the work is inclusive of packing, loading, unloading and also subjected to statutory levies. The petitioner had participated in the tender and his tender was accepted for supply of 20,00,000 fish seeds @ Rs.7.58 per fish, vide proceedings in RC No.32687/F1/2015 dated 03.03.2016 and the petitioner was called upon to execute an agreement with the department and was also requested to furnish security deposit of Rs.4,55,000/- which is 3% of the tender

value. The petitioner, on becoming, successful bidder, had also executed necessary agreement dated 04.03.2016 and the period of agreement is from 04.03.2016 to 03.05.2016 and as per the tender conditions the work period is 60 days from the date of issue of work order. However, the list of tanks to store the fish seeds was informed to the petitioner only on 29.04.2016, which is just 6 days before the expiry of the agreement and therefore, the petitioner has submitted a representation dated 03.05.2016 to the respondent praying for extension of contract period and it was extended for two more months from 04.05.2016. The grievance expressed by the petitioner is that as per tender conditions, the petitioner has to supply fish seeds which is of 100 gms. However the respondent for the first time insisting for the weight and though the petitioner had taken all earnest steps to supply 100 gms of fish seeds by placing necessary orders, due to the delay caused by the respondent, the petitioner was not able to supply 100 gms of fish seeds and because of the delay, the seeds were already grown and became as a fish and what is available now is the stunted growth centralized seeds which is equivalent to 100 gms of newly breed seeds and therefore, prays for appropriate orders.

3. Heard Mr.S.Pattabiraman, learned Government Advocate, who accepts notice on behalf of the respondent.

4. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances, directs the petitioner to submit one more representation to the respondent along with a copy of this order as well as copy of the earlier representation within a period of two weeks from the date of receipt of a copy of this order and the respondent, on receipt of the same, shall consider the same in accordance with law and pass orders within a further period of three weeks thereafter and communicate the decision taken, to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

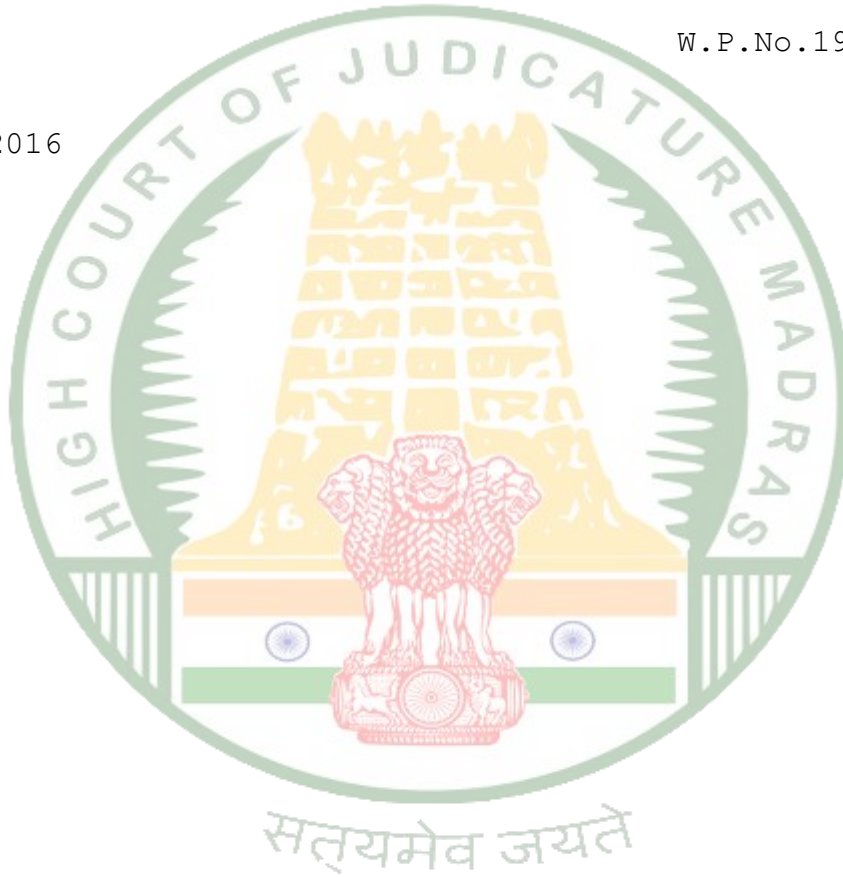
To

The Commissioner,
Fisheries Department,
DMS Compound,
Teynampet,
Chennai-6.

+1cc to Mrs.Selvi George, Advocate sr.31161
+1cc to the Government Pleader sr.31250

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