

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33665 of 2015

KGR Industries,
Handling and Transport Contractor
Functioning at the Head Office
at Shed No.70-72,
Plot No.194, Phase II,
IDA Cheriapally,
Hyderabad, Andhra Pradesh,
India 500 051.
and the new Branch Office
at No.40/83,
Avadhana Pappaier Street,
Choolai,
Chennai 600 112.
represented by its Proprietor
K.Govinda Reddy
KGR Industries

... Petitioner

Vs.

The Regional Manager,
Central Warehousing Corporation,
No.4, North Avenue,
Sri Nagar Colony,
Saidapet, Chennai 600 015.

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the Regional Manager, Central Warehousing Corporation, No.4, North Avenue, Sri Nagar Colony, Saidapet, Chennai 600 015 the respondent herein from rejecting the tenders pertaining to CW Madurai-II, CW Virudunagar and CW Kumbakonam that had been called for vide Tender Notification dated 20.08.2015 for want of production of service tax particulars and consequently consider the tenders for all the centres provided the rates quoted by the petitioner company are the lowest.

For Petitioner : Mr.N.C.Ramesh, S.C.,
for D.Ashok Kumar

For Respondents : Mr.Ashok Menon

O R D E R

The Petitioner has come forward with this Writ Petition seeking for issuance of Mandamus forbearing the Regional Manager, Central Warehousing Corporation, No.4, North Avenue, Sri Nagar Colony, Saidapet, Chennai 600 015 the respondent herein from rejecting the tenders pertaining to CW Madurai-II, CW Virudunagar and CW Kumbakonam that had been called for vide Tender Notification dated 20.08.2015 for want of production of service tax particulars and consequently consider the tenders for all the centres provided the rates quoted by the petitioner company are the lowest .

2. In the petition, it has been stated that an E-Tender document for appointment of regular handling and transport contractor at Central Warehouse Madurai II Madurai, CW Virudunagar and CW Kumbakonam had been called for in the online vide tender notification dated 20.08.2015 by the respondent and the time for down loading the tender form is between 20.08.2015 and 16.09.2015. Accordingly, the petitioner company had applied for three centres viz., 1. CW Madurai II, 2. CW Virudunagar and 3. CW Kumbakonam and therefore the last date for submission of the tender for CW Madurai II is fixed on 16.09.2015, CW Virudunagar had been fixed on 22.9.2015 and CW Kumbakonam had been fixed on 21.09.2015. The tenders have been submitted in order by complying the terms and conditions set out in the tender book. While so, the petitioners have been told that the respondent had rejected a tender filed by one Saravana Transport, Chennai for CW Chromepet for want of filing particulars about service tax. Hence the petitioner issued a communication to the respondent to the effect that the production of service tax details is not required and further the same is exempted for the food grains movement. The petitioner company had also approached the respondent and demonstrated that the tender conditions are silent and requested them to consider the contract without resorting to the service tax particulars. However, the respondent had declined to do so and had openly declared that in the event of non production of service tax particulars, the tender is defective. Hence the petitioner has filed the present writ petition forbearing the respondent from rejecting the tenders submitted by the petitioner for want of production of service tax particulars and consequently consider the same.

3. Though very many contentions have been raised in this writ petition, at the time of making submissions, learned counsel for the petitioner submitted that now the petitioner is possessing service tax registers. Hence a direction may be given to the respondent to permit the petitioner to participate in the tender.

4. On the other hand, learned counsel for the respondent Corporation submitted that so far as the tender pertaining to CW Madurai - II Madurai is concerned, on 21.1.2016 since two of the tenderers have opted out now the said tender comes to stand still and therefore it is decided to conduct an Adhoc tender by 24.2.2016 and the said period of Adhoc tender will exist only for a period of three months and after expiry of three months, regular tender would be conducted for CW Madurai-Madurai and so far as tenders pertaining to CW Virudunagar and CW Kumbakonam is concerned, they are still alive.

5. Considering the submissions of the learned counsel for petitioner as well as learned counsel for respondent, this court is constrained to pass the following order.

6. The petitioner is directed to produce the details pertaining to service tax to the respondent and on production of such details, the respondent is directed to permit the petitioner to participate in tender pertaining to CW Virudunagar and CW Kumbakonam. So far as the tender pertaining to CW Madurai-II Madurai is concerned, the respondent is directed to permit the petitioner to participate in the regular tender that is going to be conducted after the expiry of Adhoc tender period.

7. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msr
To

The Regional Manager,
Central Warehousing Corporation,
No.4, North Avenue,
Sri Nagar Colony,
Saidapet, Chennai 600 015.

+2cc's to Mr.Ashok Menon, Advocate, S.R.No.11555
+ 1 cc to D.Ashok Kumar, Advocate Sr 11319 (26/2/16)

W.P.No.33665 of 2015

SCD(CO)
CA(25/02/2016)