

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28640 of 2016

And

W.M.P.No.24699 of 2016

M.Vediappan

... Petitioner

Vs.

The Additional Chief Secretary/
Chairman and Managing Director,
SIPCOT Ltd.,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to accept the tender of the petitioner in N.I.T.06/ Ka.P/Va.A/O No.06/2016-2017 dated 08.07.2016 on the file of the respondent if he is otherwise eligible except the conditions i.e. Minimum Eligibility Criteria concerning:

- 1(2) - Street light arrangements (1.Supply, Delivery, erection and installation of 8m height and above street light pole with Fittings - 236 Nos.)
1(3)(2) Water Supply Arrangements (150 mm and above D1/MS pipe laying & jointing - 6,204 Rm.)

For Petitioner

: Mr.S.Doraisamy

For Respondent

: Mrs.Sudharsana Sundar

O R D E R

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

2.The petitioner claims that he is a Class - I Contractor registered with the Public Works Department as well as the Highways Department. The petitioner would further aver that the respondent has issued a notification dated 08.07.2016 calling for the tender of the following works:

"Upgradation of existing roads including providing PCC side drain, construction of RCC box culverts, providing water supply arrangements, Construction of 5.00 LL OHT, providing Street light arrangements in Phase - I, Phase - II, Expansion - I & II and Improvement to A.O. Block building at SIPCOT Industrial Complex, Hosur in Krishnagiri District."

and the Earnest Money Deposit demanded is Rs.28,40,000/- and the last date for submitting the tender is at 3.00 p.m. on 18.08.2016 and the tender will be opened on the same day at 3.30 p.m. and two cover system is to be adopted.

3.Mr.S.Doraisamy, learned counsel appearing for the petitioner would submit that the condition no.2 and 3(2) of the Minimum Eligibility Criteria is tailor made to suit a particular individual and the said condition is nothing to do with the execution of the work and since the said conditions are so unreasonable, the petitioner has submitted a representation dated 04.08.2016, to the respondent in person and since no response is forthcoming, the petitioner came forward to file this writ petition.

4.This Court heard the submissions of Mrs.Sudharsana Sundar, learned counsel who accepts notice on behalf of the respondent.

5.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs, either the respondent or the Official authorized by him to consider and dispose of the petitioner's representation dated 04.08.2016, in accordance with law, after providing an opportunity of personal hearing to the petitioner and pass orders, within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.
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-s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

The Additional Chief Secretary/
Chairman and Managing Director,
SIPCOT Ltd.,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.

+ 1 cc to M/s.S.Doraisamy, Advocate SR 46920

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prk19/8

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