

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3139 of 2016
and
WMP.Nos.2575 and 2576 of 2016

S.Mahadevan

.. Petitioner

Vs.

The Superintending Engineer,
Bus Route Roads Department,
Corporation of Chennai,
Chennai-600 003.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records relating to the clause 3.4(d) and 3.4(e) of Check list for submission of the bid of bid document in E-Tender Short Tender Notice BRR.C.No.B2/0171/2016 dated 14.01.2016 on the file of the respondent and quash the same in so far as the works in Sl.Nos.4, 12, 13 and 21 are concerned.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.P.V.Selvakumar

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ORDER

Heard Mr.S.Doraisamy, learned counsel for the petitioner and Mr.P.V.Selvakumar, learned counsel who accepts notice for the respondent and with their consent, the writ petition is taken up for final disposal.

2. The petitioner has filed this writ petition challenging Clause 3.4(d) of the check list for submission of the bid to enable the petitioner to participate in the tender called for by the respondent-Corporation. The said condition requires that the applicant should produce a proof for working capital sufficient to finance atleast 20% of value put to tender and the applicant is required to enclose such proof along with the bid document.

3. The learned counsel appearing for the petitioner submitted that the said condition has been introduced for the first time and it is an onerous condition and the petitioner is a registered Class-I contractor of the respondent-Corporation as well as the Public Works Department and Highways Department and he has produced a solvency certificate worth Rs.40.00 lakhs and by virtue of his registration as Class-I Contractor, he is liable to participate in the contracts upto Rs.75.00 lakhs. Further, it is submitted that in respect of the contracts already performed by the petitioner, the respondent-Corporation is due to pay a sum of Rs.63.00 lakhs and when such being the factual scenario, the condition 3.4(d) is untenable.

4. The learned counsel appearing for the respondent-Corporation, on instruction submitted that the petitioner will be permitted to participate in E-Tender to be conducted today (29.01.2016) without insisting upon the compliance of Clause 3.4 (d).

5. The said submission is placed on record and the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.
bbr

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

The Superintending Engineer,
Bus Route Roads Department,
Corporation of Chennai,
Chennai-600 003.

+ 1 cc to Mr.S.Doraisamy, Advocate Sr 5762 (01/02/16)

+1 cc to Mr.P.V.Selvakumar, Advocate, SR.5560 (6/5/16)

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