

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.319 of 2016

and WMP Nos.219 & 220 of 2016

S.Mahadevan,
No.8, Jagir Hussain Street,
Manali, Chennai - 600 068.

..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 to issue a Writ of Certiorari calling for the records relating to the clause 3.4(d) of Check list for submission of bid of bid document in E-Tender Short Tender Notice in BRR.C.No.B2/5339/2015 dated 23.12.2015 on the file of the respondent and quash the same in so far as Sl.No.1 and 2 is concerned.

For Petitioner : Mr.S.Doraisamy
For Respondent : Mr.P.V.Selvakumar

ORDER

Heard Mr.S.Doraisamy, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned counsel appearing for the respondent and with their consent, this Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition challenging the 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.40,00,000/- and by virtue of his registration as Class-I Contractor, he is liable to participate in contracts upto Rs.75,00,000/-. Further, it is submitted that in respect of contracts already performed by the petitioner, the respondent-Corporation is due to pay a sum of Rs.63,00,000/- and when such being the factual scenario, the condition 3.4(d) is untenable.

4. In order to ascertain the stand taken by the respondent-Corporation, the case was passed over to enable the learned Standing Counsel for the respondent-Corporation to appear before this Court. Accordingly, when the case is taken up in post lunch session, the learned Standing Counsel for the respondent has appeared and he was instructed by Mr.N.Vaithiyalingam, Assistant Executive Engineer, Bus Route Roads Department, Corporation of Chennai, who is present in Court.

5. The learned counsel for respondent on instructions submitted that the petitioner will be permitted to participate in E-Tender to be conducted on 07.01.2016 without insisting upon compliance of clause 3.4(d).

6. The said submission is placed on record and the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

sd/-

Assistant Registrar (Cs-IV)

/TRUE COPY/

Sub-Assistant Registrar

ds

To :

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

+1 CC to MR.S.Doraisamy Advocate. SR.NO. 852
+1 CC to MR.P.V.Selvakumar Advocate. SR.NO.730

W.P.No.319 of 2016

CO-CA

JD 22/01/2016