IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WP.No.41033/2016 & WMP.Nos.35038 & 35039/2016

M/s.Dedico Vyapaar Pvt Ltd
formerly Dedico Realty Builders Pvt
Ltd., No.2, B.T.Road, PO:Titagarh-24
Parganas [N] Kolkata 700119
West Bengal. .. Petitioner

Versus

1.The Managing Director
The Tamil Nadu Civil Supplies Corporation
No.12, Thambusamy Road, Kilpauk
Chennai 600 010.

2.The Ganges Manufacturing Co. Ltd
No.33A, Jawarharlal Nehru Road,
6th Floor, Flat No.A-1,
Kolkatta 700071.

3.M/s.Hooghly Infrastructure Private
Ltd., 24/1/1, Alipore Road, 3rd Floor
Kolkata-700027. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the respondents herein culminating in tender notification No.BS4/28206/2016, published on 09.07.2016 and consequent confirmation of contract vide RC.No.BS4/28206/2016 on the file of the 1st respondent herein dated 05.11.2016 and quash the same and direct the respondent herein to issue fresh notification by giving wide publicity about the relaxation of tender

conditions from BIS standard gunny bags to Jute Commissioners Standard bags.

For Petitioner : Mr.T.V.Suresh Kumar
For R1 : Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader who accepts notice on behalf of the 1st respondent and with the consent on either side, the writ petition is taken up for final disposal.

2 The grievance of the petitioner is that the original condition of the respondents vide their Tender Notification dated 09.07.2016, that the supply of gunny bags must be in conformity with BIS standard was relaxed and the same was modified to the effect that the gunny bags should be in specifications stipulated by the Jute Commissioner and that the Corrigendum to that effect specifying the said modification, was not published in newspapers though uploaded in the website. It is his further grievance that because of the petitioner being unaware of the above said relaxation, he was not unable to participate in the tender and thus, the contract went into the hands of the other persons. Hence, he has come

forward with the present writ petition with a prayer to quash the tender notification dated 09.07.2016 and the consequent confirmation of the contract dated 05.11.2016 with a further prayer to publish the relaxation of tender conditions from BIS standard to Jute Commissioner's standard.

3 The learned Special Government Pleader brought to the notice of this Court that earlier, a writ petition was filed by one M/s.Agarpara Jute Mills Ltd, challenging the very Tender Notification dated 09.07.2016 and that this Court, after perusing the original files and after being satisfied, has passed a detailed order dismissing the said writ petition. It is further submitted that since two persons offered highest bid, the contract was given to those persons and already fifteen days had gone by and the entire contract period is only for one month. Hence, he prays for dismissal of this writ petition.

4 This Court heard the submissions made on either side and perused the materials placed before it.

5 It is seen even as per the admission of the petitioner in the affidavit filed in support of this writ petition that the Corrigendum

mentioning about the relaxation of the tender condition has already been uploaded in the website and the only grievance of the petitioner is that it has not been given wide publicity in the newspapers. In the considered opinion of the Court, the said contention cannot be countenanced for the simple reason that the petitioner is aware of the uploading of the said relaxation of the condition in the website though not published in the newspapers. Hence, it cannot be stated that the petitioner is totally unaware of the said relaxation. This Court, in an earlier occasion, had dismissed the writ petition filed by M/s.Agarpara Jute Mills Limited, in WP.NO.35693/2016 on 10.11.2016, challenging the very Tender Notification dated 09.07.2016 itself, after perusing the original files produced on the side of the 1st respondent.

6 In view of the above, this Court finds no merit in the writ petition. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

23.11.2016

AP

To

1.The Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffer Sirang Street
Chennai 600 001.

2.The Superintendent of Wakfs
Tamil Nadu Wakf Board
No.4A & 5A, 1st floor, Tippu Sultan
Market, 1st Agraharam,
Salem-636 001.

B.RAJENDRAN, J.,

AP

WP.No.41033/2016

23.11.2016

http://www.judis.nic.in