

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.47 of 2016

and

W.M.P.No.11 of 2016

Narayane Transports,
Pudukottai Main Road,
R.S.G.C. Post,
Thanjavur 613 005
rep by its Managing Partner,
Thiru Narayane Jawahar Sakthivel,
S/o.G.Sakthivel ... Petitioner

Vs.

The Joint Registrar/Managing Director,
T-898, Thanjavur Co-operative Marketing
Federation Ltd.,
Tiruvarur-610 001. ... Respondent

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus to direct the respondent to confirm the tender for transport contract for movement of chemical fertilizer for the year 2015-16 from Thanjavur TCMF Rail Head in favour of the petitioner, based on the tender conducted on 4.12.2015 as per the tender notification issued by the respondent in Na.Ka.No.549/2015/F2, dated 16.11.2015 and consequently, direct the respondent to issue work order in favour of the petitioner.

For Petitioner : Mr.G.Sankaran

For Respondent : Ms.T.P.Savitha

ORDER

Heard the learned counsels appearing on behalf of the petitioner, as well as the respondent.

2 This writ petition has been filed, praying that this court may be pleased to issue a Writ of Mandamus to direct the respondent to confirm the tender, for the transport contract,

for the movement of chemical fertilizer, for the year 2015-16, in favour of the petitioner, based on the tender, conducted on 04.12.2015.

3 The main contention raised on behalf of the petitioner is that the petitioner, who was fully qualified to participate in the tender, had been declared, as the lowest bidder, pursuant to the tender, conducted on 04.12.2015. Therefore, the respondent is duty bound to confirm the tender, in favour of the petitioner, for the purpose of transportation of chemical fertilizer, for the year 2015-16.

4 A counter affidavit has been filed on behalf of the respondent, denying the claims made by the petitioner. The relevant paragraphs in the counter affidavit read as follows :

"7.It is submitted that, it is not correct that the lowest bidder was declared after the opening and perusing the tender applications. Signatures were obtained from the participants only for the participation in the tender alone. This finalization of the tender process shall be done only by the competent authority/The Joint Registrar /The Managing Director, T.898 Thanjavur Co-operative Marketing Federation Ltd. only and he has powers to cancel the entire tender process or a particular tender without any reasons and it was mentioned in the tender notice dated 16.11.2015 issued in the daily newspaper Dinathanthi dated 18.01.2015. So it is denied that the petitioner was declared as the lowest bidder, and the contract was conferred on him.

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10.It is submitted that, the cancellation of the tender process dated 26.12.2015 was put up in the notice board of the T.898, Thanjavur Co-operative Marketing Federation Head office at Thiruvarur, and it is an acceptable mode of conveying the notice. Again, all the participants were informed through telephone and except this petitioner all other were get back their earnest money deposit amounts from 29.12.2015. Hence petitioner's statement is denied.

11.It is submitted that, the petitioner was not declared as the lowest bidder. Since the petitioner was not qualified in the technical bid and it is true that the partnership firm on behalf, he submitted tender applications is not eligible as per conditions laid down in the tender application

form. And it is not just for the respondent to issue and to sign a contract with him by the Managing director. Reasons were mentioned in the foregoing paragraph (5)."

5 In view of the submissions made by the learned counsels, appearing on behalf of the petitioner, as well as the respondent and on perusal of the records available, it is noted that the tender said to have been conducted on 4.12.2015, as per the tender notification issued by the respondent, dated 16.11.2015, had been cancelled, by way of the notification, dated 26.12.2015. It has been stated that there were a number of irregularities found in many of the tender applications and some of the applicants were not qualified to participate in the tender, and therefore, the tender, held on 4.12.2015, had been cancelled.

6 In view of the fact that the tender conducted by the respondent, on 4.12.2015, for entering into the contract, for movement of chemical fertilizer, for the year 2015-16, as per the tender notification, dated 16.11.2015, had been cancelled, the relief prayed for by the petitioner, in the present writ petition, cannot be granted, by this Court, at this stage. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Joint Registrar/Managing Director,
T-898, Thanjavur Co-operative Marketing
Federation Ltd.,
Tiruvavur-610 001.

+1cc to M/S.G.Sankaran, Advocate Sr.36555
+1cc to M/S.T.P.Savitha, Advocate Sr.36546

W.P.No.47 of 2016

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22/07/2016