

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6130 of 2016

Balaji Polycans

Represented by its

Proprietrix Mrs.K.Padmapriya

No.7 & 8, 5th Cross Street,

Venkateswara Colony,

M.M.C. Post, Chennai-600 051.

... Petitioner

Vs.

1. The Managing Director,

Tamil Nadu Medicinal Plant Farms and

Herbal Medicine Corporation (TAMPCOL) Ltd.,

Office at Anna Hospital Campus,

Arumbakkam, Chennai-600 106.

2. The General Manager,

Tamil Nadu Medicinal Plant Farms and

Herbal Medicine Corporation (TAMPCOL) Ltd.,

Office at Anna Hospital Campus,

Arumbakkam, Chennai-600 106.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation, dated 11.02.2016 of the petitioner against certain clauses contained in the tender notification, dated 30.01.2016 of the first respondent and to pass appropriate orders thereon on or before opening of the tender applications on 03.03.2016 or any other date on which the tender applications may be opened so as to enable the petitioner to participate in the tender notification, dated 30.01.2016 floated by the first respondent.

For Petitioner : Mr.B.K.Girish Neelakantan

For Respondents : Mrs.Dakshayini Reddy

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation, dated 11.02.2016 of the petitioner

against certain clauses contained in the tender notification, dated 30.01.2016 of the first respondent and to pass appropriate orders thereon on or before opening of the tender applications on 03.03.2016 or any other date on which the tender applications may be opened so as to enable the petitioner to participate in the tender notification, dated 30.01.2016 floated by the first respondent.

2. The petitioner-Balaji Polycans is a small scale industry engaged in manufacture of plastic cans/containers with caps and allied plastic products and it is enlisted as a contractor with the National Small Industries Corporation Limited, a Government of India enterprise. The respondents have issued a tender notification dated 30.01.2016 inviting applications from eligible persons for supply of plastic container of various sizes and description. It is stated in the tender notification that the last date for receipt of the tender application is fixed as 03.03.2016, on which date, the respondents are likely to open the tender applications. It is the grievance of the petitioner Clause 6.1, Clause 12.3 and Clause 13(d)(i), (ii) and (iii) of the tender notification are against the interest of the small scale industries like the petitioner and the conditions of the tender notification suit only the large scale industries. The said clauses in the tender notification are against the provisions of the Tamil Nadu Transparency in Tenders Act and Rules made thereunder and also against the provisions of the Micro, Small and Medium Enterprises Development Act. Hence, the petitioner sent a detailed representation, dated 11.02.2016 to the respondents, requesting them to have re-look on the tender conditions before opening the tender notification on 03.03.2016. Since the said representation is pending, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard both sides.

4. Without going into the merits of the case, this Writ Petition is disposed of, with a direction to the respondents to consider the said representation, dated 11.02.2016 of the petitioner and after giving an opportunity of personal hearing to the petitioner and necessary parties, dispose of the said representation, on merits and in accordance with law, within a period of one week from today. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Managing Director,
Tamil Nadu Medicinal Plant Farms and
Herbal Medicine Corporation (TAMPCOL) Ltd.,
Office at Anna Hospital Campus,
Arumbakkam, Chennai-600 106.
2. The General Manager,
Tamil Nadu Medicinal Plant Farms and
Herbal Medicine Corporation (TAMPCOL) Ltd.,
Office at Anna Hospital Campus,
Arumbakkam, Chennai-600 106.

+1cc to Mr.B.K.Girish Neelakantan, Advocate, S.R.No.11661

W.P.No.6130 of 2016

BVR(CO)
CA(25/02/2016)



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