



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.03.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P(MD)No.4196 of 2016 & W.M.P(MD)No.3758 of 2016

W.P. COPY
M/s.Sultan and Company
Rep.by its Managing Partner K.K.Hussain,
having Registered Office at
Door No.32/1858, SRRA No.34,
Surabhi Road,
Padivattom,
Edappally P.O,
Cochin-682 024.

..Petitioner

-Vs-

1.The Chairman,
TANGEDCO,
N.P.K.R.R Maaligai, 3rd Floor,
144, Anna Salai,
Chennai-600 002.

2.The Chief Engineer/Mechanical/Thermal Station,
N.P.K.R.R Maaligai, 3rd Floor,
144, Anna Salai,
Chennai-600 002.

3.The Superintending Engineer,
Purchase & Administration,
Tuticorin Thermal Power Station,
Tuticorin-628 004.

4.The Union of India,
Rep. through its Secretary,
Ministry of Micro, Small & Medium Enterprises,
New Delhi.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents 1 to 3 to consider the bid application submitted by the petitioner for Lot No.XIV on 24.02.2016.

For Petitioner :Mr.V.Raghavachari

For Respondents :Mrs.M.Rajeswari,
for Mr.S.M.S.Johny Basha,
Standing Counsel for TNEB for R1 to R3
Mr.G.Rajaraman for R4

ORDER

The petitioner has filed this Writ Petition for a Writ of Mandamus to direct the respondents 1 to 3 to consider the bid application submitted by him he petitioner for Lot No.XIV on 24.02.2016.

2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 to 3 and the



learned Counsel appearing for the fourth respondent.

3. The main contention of the petitioner is that the respondent has not followed the guidelines issued by the G.O.(MS)No.390 Finance (BPE) Department dated 27.09.2013. A detailed counter has been filed. In the counter, it is very clearly stated that even on the date of opening of the tender it is stated that the EMD exemption is not applicable in the case of the petitioner as per the Tender Regulations-1991 in force and hence the tender is rejected due to non-furnishing of EMD as specified in the specification. The petitioner has not given any written representation to TTPS till date. According to the counter, no 'e-mail' has been received in this regard from the petitioner. Thereafter, the petitioner has approached this Court. EMD has been invariably insisted and collected in all the scrap tenders floated by TNEB/TANGEDCO. In fact, according to the counter, the tender documents has been produced before this Court, the petitioner which relates to purchase of materials by TENEB/TANGEDCO. Therefore, the analogy made by him is not applicable. Therefore, the petitioner's seek exemption from payment of EMD for sale activity on the basis of the purchase activity in NCTPS. Further, the rate quoted by the petitioner is much lower is H5 whereas the highest bid (H1) amount is Rs.19,80,999/- whereas the petitioner quoted only Rs.12,00,001/-. Therefore, even on that ground the same is rejected.

4. In view of the above, I do not find any reasons to consider the writ petition and hence this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1.The Chairman, TANGEDCO,
N.P.K.R.R Maaligai, 3rd Floor, 144, Anna Salai, Chennai-600 002.
- 2.The Chief Engineer/Mechanical/Thermal Station,
N.P.K.R.R Maaligai, 3rd Floor, 144, Anna Salai, Chennai-600 002.
- 3.The Superintending Engineer,
Purchase & Administration,
Tuticorin Thermal Power Station, Tuticorin-628 004.
- 4.The Union of India,
Rep. through its Secretary,
Ministry of Micro, Small & Medium Enterprises, New Delhi.

+1 CC to Mr.S.M.S.JOHNNY BASHA, Advocate, SR No.16617

+1 CC to Mr.G.RAJARAMAN, Advocate, SR No.16240

+1 CC to Mr.V.Raghavachari, Advocate, SR No.16538

W.P (MD) No.4196 OF 2016

22.03.2016