

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:34522 OF 2016

ORDER:

1. The present writ petition is filed by the petitioner under Article 226 of the Constitution of India, seeking a direction to respondents Nos.1 to 4 to consider the tenders submitted by the petitioner vide Tender Nos.76248-0, dated 30.7.2016, Tender No.76269-0, dated 25.8.2016 and Tender No.76260-0 dated 30.8.2016 and any tender submitted by the petitioner-firm in future.

2. In the affidavit, it is stated that the petitioner-firm is carrying on contract works in the 1st respondent-organization by participating in the tenders. Subsequently, due to expansion of the business, in order to facilitate the work process, respondent No.5 was introduced into the firm partnership. Respondent No.5 was entrusted with contract works to be carried on at the 1st respondent-organization. Subsequently, the petitioner participated in the tenders issued by the 1st respondent. But the petitioner-firm could not become the successful bidder on several occasions. On enquiry, the petitioner came to know that the 5th respondent used to represent on behalf of the petitioner-firm and participate in the tender process. On that the petitioner made several representations before respondents Nos.1 to 4 about the malpractices being committed. The 1st respondent issued three tenders for the works to be carried in the 1st respondent-organization. The petitioner submitted three tenders. But the said tenders were not considered. When the petitioner submitted representations before respondents Nos.2 to 4 to furnish the information, 4th respondent informed through proceedings dated 12.9.2016 that the 5th respondent, who is a partner of the petitioner-firm, submitted a complaint

stating that there are disputes between him and the petitioner-firm and he requested not to consider the tenders submitted by the petitioner-firm. Therefore, the petitioner approached this Court.

3. Learned Counsel for the petitioner submitted that respondents Nos.1 to 4 cannot not base on any document produced by the 5th respondent, who is nothing to do with the affairs of the petitioner, and therefore, they may be directed to consider the tenders submitted by the petitioner herein subject to condition of confirmation of the tenders and that the petitioner is ready to establish the fact that the 5th respondent is a partnership and he is nothing to do with the petitioner-company.

4. Considering the facts and circumstances of the case and the submissions made by the learned Counsel for the petitioner, the Writ Petition is disposed of with the following direction:

“Respondents Nos.1 to 4 are directed to consider the tenders submitted by the petitioner ignoring the complaint lodged by the 5th respondent, while confirming the tenders. The petitioner is directed to establish the fact that the 5th respondent has nothing to do with the affairs of the petitioner-firm by way of producing documentary evidence before the above said respondents. In case of failure to establish the said fact, respondents Nos.1 to 4 are at liberty to take appropriate decision.”

No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 25th October, 2016
Nn.

HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No:34522 OF 2016

25/10/2016

Nn.