

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38974 of 2016

ORDER

This writ petition is filed seeking to declare the action of respondents in not opening the financial bid of petitioner on par with other bidders participated in the tender process for providing security services covered under Tender Specification No.NIN/Security Contract-2016/02/2016-17 dated 15.06.2016 though the petitioner has been qualified in technical bid, as illegal and arbitrary.

2. Heard and perused the material on record.

3. It is stated in the affidavit that in pursuance of the tender specification issued by respondents, the petitioner-Firm submitted its tender by complying with all requirements. It is further stated that though the petitioner was qualified in technical bid on par with other bidders, the respondents have not opened its financial bid. Hence, it made a representation dated 08.11.2016 to the respondents, but no action has been taken thereon. Hence, the writ petition.

4. Learned counsel for petitioner submits that if there is no direction from this Court, there is every possibility of finalizing the tender without opening the financial bid of the petitioner. He prays that a direction may be given to the respondents to open the financial bid of petitioner.

5. Considering the facts and circumstances of the case and in view of the fact that the petitioner is a qualified bidder, I deem it

appropriate to direct the second respondent to open the financial bid submitted by the petitioner if the same is not opened and thereafter, to finalize the tender process in accordance with law.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

11th November, 2016

sj



