

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.8398 OF 2016

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the action of the respondents 2 and 3 in cancelling the tenders in NIT No.1000010842, dated 07.08.2015, NIT No.1000011837, dated 06.10.2015 and changing the tender conditions and calling for fresh tenders vide NIT No.1000013391, dated 23.12.2015 to suit the convenience of respondent Nos.4 and 5 to deny the petitioner of proper opportunity in tender process as illegal and arbitrary, and consequently to call for records and set aside tender NIT No.1000013391, dated 23.12.2015 and to direct the respondents 2 and 3 to call for fresh tender in fair and transparent manner.

Heard and perused the material.

Learned counsel for the petitioner submits that the respondents 2 and 3 have called the tenders for baggage wrapping machine facility by tender notifications, dated 07.08.2015 and 06.10.2015 and that subsequently, the respondents 2 and 3 have changed the tender conditions and called fresh tenders vide NIT No.1000013391, dated 23.12.2015. The petitioner submitted his tender and that the same was opened by the respondents 2 and 3. The third respondent addressed e-mail to the petitioner to submit invoice of ownership of baggage wrapping machine and that the petitioner sent reply clarifying that the petitioner purchased the said machine from the manufacturer and entire amount is paid. Again, the petitioner was asked to submit VAT/Customs Pass out to show that the petitioner is in possession of the machine and in reply to the same, the petitioner once again reiterated that the reply is already given and that the said machine would be brought in once the tenders are finalised. Thereafter, there was no correspondence from the respondents

2 and 3. Hence, the petitioner made a representation, dated 08.03.2016 to the respondents 1 to 3 and Hon'ble Minister by bringing to their notice of the irregularities in the tender process and that the authorities are acting in an arbitrary manner to help certain people by changing the tender conditions to suit the convenience of certain people. The learned counsel seeks to set aside the tender vide NIT No.1000013391, dated 06.12.2015 and direct the respondents 2 and 3 to call for fresh tenders in a fair and transparent manner.

Considering the facts and circumstances of the case, the respondents 1 to 3 herein are directed to consider the case of the petitioner herein if he complied with the conditions imposed prior to the opening of the tender and specify the officials that he has complied with the conditions at present to consider the same and proceed in accordance with law.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

08.11.2016
pln

JUSTICE RAJA ELANGO