

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.8081 of 2017 &

W.M.P.No.8858 of 2017

M/s.Valar & Co
Represented by tis Managing Partner
3/33, Pandarankadu
Konasamudram Village and Post
Konganapuram (Via)
Edappady Taluk
Salem District - 637 102 ... Petitioner

vs.

- 1.The District Collector
Salem.
- 2.Project Director
District Rural Development Agency
Salem.
- 3.Executive Engineer
District Rural Development Agency
Salem

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to process the petitioner's tender for the works covered in Tender Notice No: Roc.No.2150/2016/A5, dated 13.03.2017 in respect of the packages No.31 and 39/2016-17 on his file, without insisting for Working Condition Certificate to be issued by the 3rd respondent.

For Petitioner	: Mr.R.Neelakandan
For Respondents	: Mr.A.N.Thambidurai Spl. Govt. Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the 2nd respondent to process his tender for the works covered in Tender Notice No: Roc.No.2150/2016/A5, dated 13.03.2017 in respect of packages No.31 and 39/2016-17 on his file, without insisting for Working Condition Certificate to be issued by the 3rd respondent.

2. While calling for tender, the 2nd respondent insisted the bidders to submit the Working Condition Certificate of the machineries obtained from the 3rd respondent.

3. Pursuant to the Tender Notification dated 13.03.2017, the petitioner submitted his tender application without enclosing the Working Condition Certificate of the machineries.

4. The writ petitioner gave representations dated 16.03.2017 and 23.03.2017 to the respondents 2 and 3 requesting to inspect their plant and to issue running condition certificate to their machineries. Since the 3rd respondent has not issued the certificate as requested by the petitioner, the petitioner has come forward with the present writ petition seeking for the relief mentioned above.

5. Mr.A.N.Thambidurai, learned Special Government Pleader, taking notice for the respondents, on instructions, submitted that the 2nd respondent has instructed him to represent that the 2nd respondent would be processing the petitioner's tender application without the Working Condition Certificate of the machineries, if it is otherwise in order.

6. The learned counsel appearing for the petitioner submitted that the submission made by the Special Government Pleader may be recorded.

7. The submission made by the learned Special Government Pleader is recorded.

8. In view of the submissions made by the learned Special Government Pleader, it is made clear that the 2nd respondent shall process the petitioner's tender application without insisting on the Working Condition Certificate of the machineries, if the application is otherwise in order.

With this observation, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

1.The District Collector
Salem.

2.Project Director
District Rural Development Agency
Salem.

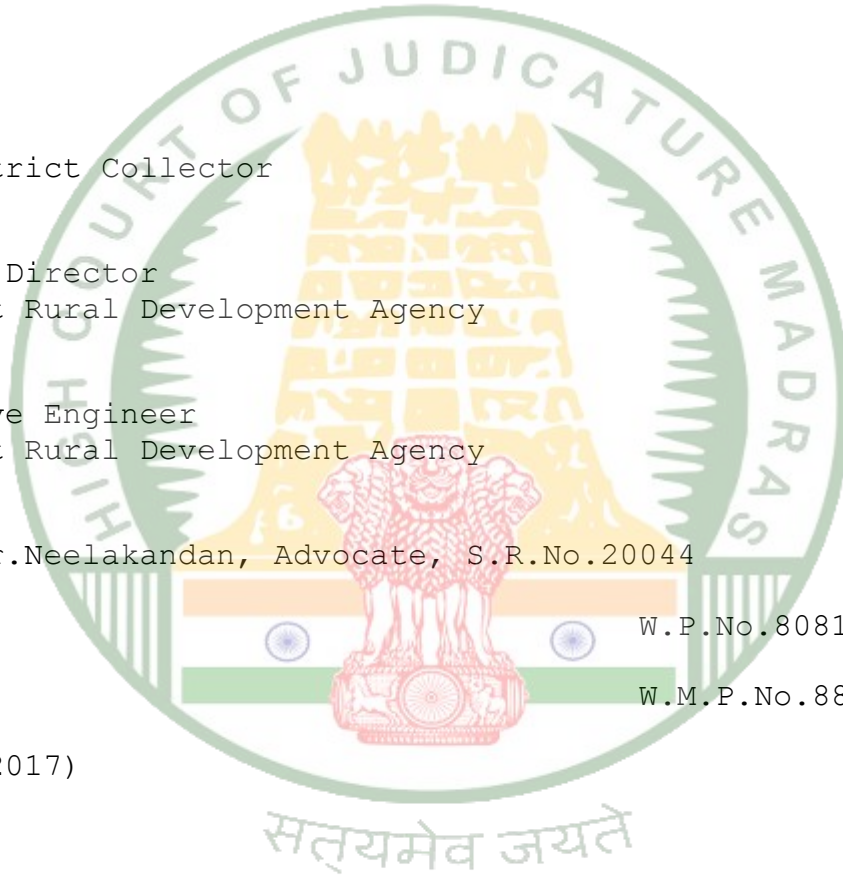
3.Executive Engineer
District Rural Development Agency
Salem

+lcc to Mr.Neelakandan, Advocate, S.R.No.20044

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VSN(CO)
RS(04/04/2017)



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