

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5319 of 2017

A.Harikrishnan .. Petitioner

-vs-

1. The Chief Engineer (General)
Corporation of Chennai
Rippon Building
Chennai 600 003
 2. The Superintending Engineer
Bus Route Roads Department
Corporation of Chennai
Rippon Building
Chennai 600 003
 3. The Executive Engineer
Bus Route Roads Department
Corporation of Chennai
Rippon Building
Chennai 600 003
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to permit the petitioner to participate in the tender viz. E-Retender Short Tender Notice in BRR.C.No.B1/0368/2017 which was published in the English daily viz., the New Indian Express dated 02.02.2017 on the file of the second respondent in respect of Work Nos.8 to 10 without insisting upon the certificate issued by the third respondent under Clause 3.4(e) of the Instruction to Bidders.

For Petitioner :: Mr.S.Doraisamy

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus, directing the respondents to permit the petitioner to participate in the tender viz. E-Retender Short Tender Notice in BRR.C.No.B1/0368/2017, which was published in the English daily viz., the New Indian Express dated 02.02.2017 on the file of the second respondent in respect of Work Nos.8 to 10 without insisting upon the certificate issued by the third respondent under Clause 3.4(e) of the Instruction to Bidders.

2. The petitioner claims to be a Class I contractor and doing contract work under the respondent Corporation for the past five years. While so, when the Superintending Engineer, Bus Route Roads Department, Corporation of Chennai, the second respondent herein had issued the E-Retender Short Tender Notice in BRR.C.No.B1/0368/2017, which was published in the English daily viz., the New Indian Express dated 2.2.2017 calling for 18 road works, the tender documents were all available only on 9.2.2017 in the website of the respondent Corporation. One of the conditions was that the bids should be submitted online before 15.2.2017 till 15.00 Hours and that the bids would be opened at 15.30 Hours on the same day in the office of the Interior Road Department in the presence of the bidders. When the petitioner intended to participate for the work Nos.8 to 10, he had downloaded the schedule on 9.2.2017 and gone through the terms and conditions. One of the terms and conditions, namely, clause 3.4(e) shows that the machinery certificate duly certified by the Executive Engineer/Bus Route Road has to be enclosed in the technical bid compulsorily, clearly mentioning the scheme under which the tender is called for. In the present case, although the petitioner is in possession of all the machineries, as the respondents 2 and 3 have to issue the machinery certificate, the petitioner made an application on 12.2.2017. But they have not issued the machinery certificate, as a result he is not able to take part in the opening of the technical bid held on 1.3.2017. But the price bid has not been opened. Therefore if a direction is issued to the third respondent to issue the machinery certificate with a further direction to the respondents to accept his tender, no prejudice would be caused to any one.

3. But this Court is not inclined to entertain the writ petition for two reasons. Firstly, the opening of the technical bid, according to the petitioner, was over yesterday. Secondly, the petitioner has not approached this Court at least one day before the opening of the technical bid. Therefore, the writ petition fails and it is dismissed. Consequently, W.M.P.No.5657 of 2017 is also dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

ss

To

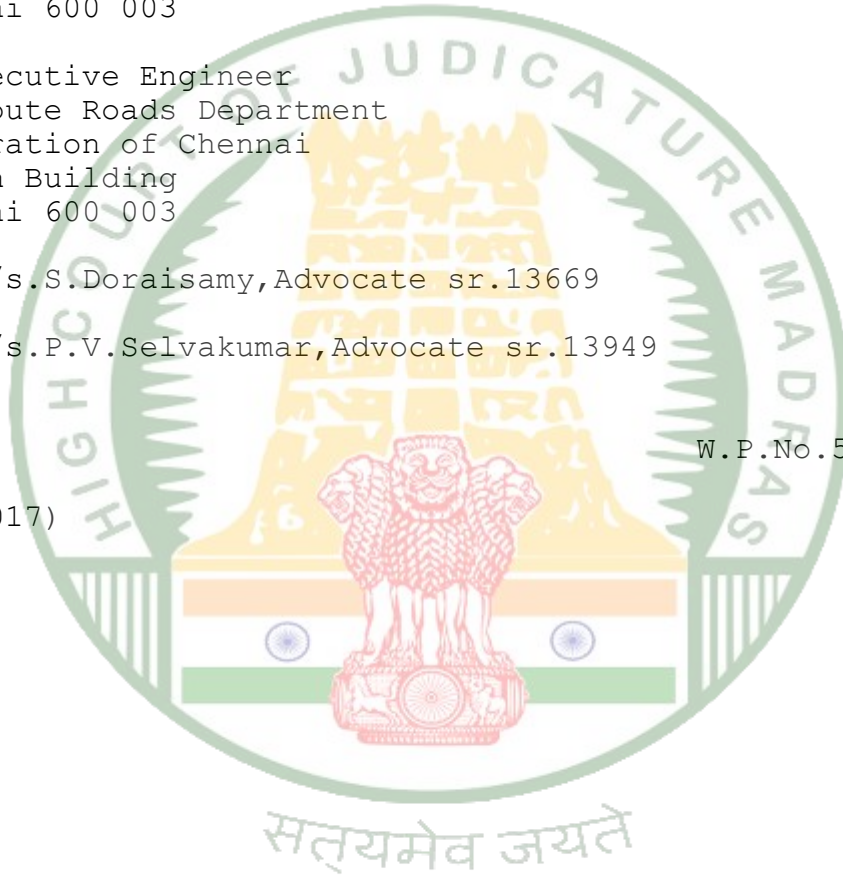
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+1cc to M/s.S.Doraisamy, Advocate sr.13669

+1cc to M/s.P.V.Selvakumar, Advocate sr.13949

mp(co)
ss(13/3/2017)

W.P.No.5319 of 2017



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