IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.7443 of 2017

M/s.Sri RM Constructions,
Rep. by its Managing Partner,
Mr.R.Mallan,
Chinna Noolahalli,
Mitta Noolahalli Post,
Dharmapuri District. .. Petitioner

Versus

1. The Chairman/District Collector,
   District Rural Development Agency,
   Dharmapuri, Dharmapuri District.

2. The Project Director
   District Rural Development Agency
   Dharmapuri,Dharmapuri District.

3. The Executive Engineer,
   Rural Development Agency,
   Dharmapuri-5. .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to inspect the petitioner's machinery and issue required machinery certificate as requested by the petitioner's application dated 20.03.2017 for e-tender in Roc.No.940/2016/R9 dated 8.03.2017.

For Petitioner : Mr.M.S.Palaniswamy
For Respondents : Mr.K.Venkataraman
Additional Advocate General
assisted by Mr.A.N.Thambidurai
Special Government Pleader

ORDER

By consent of counsel for both sides, this writ petition is taken up for final disposal.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

2. The petitioner is the Managing Partner of a partnership firm called M/s.Sri RM Constructions. The main business of the petitioner's firm is to undertake building constructions, laying roads and other such construction works with the Central and State Governments and they were participating in the tender floated by the Governments for the past six years and successfully accomplished various major contracts. While so, the 2nd respondent, invited tenders on behalf of the Government of Tamilnadu in electronic tendering system for upgradation/strengthening/renewal of roads under Tamil Nadu Village Habitations Improvement Scheme-II(THAI-II) (2016-2017) on 08.03.2017 and the 1st respondent released invitation for bid through e-procurement on 10.03.2017. The last date for submitting the E-tender is 27.03.2017. In response, the petitioner submitted an application to the respondents on 20.03.2017. As per the conditions of the tender, the petitioner requested the respondent to inspect the machinery and issue certificate of stability of the machinery, which is one of the mandatory documents to be accompanied along with the E-tender application. Despite several requests made by the peitioner to issue such certificate before 27.03.2017, no action has been taken by the respondents to inspect the machinery. Aggrieved by this, the petitioner has come forward with this Writ Petition.

3. Heard Mr.M.S.Palaniswamy, learned counsel appearing on behalf of the petitioner and Mr.K.Venkataraman, learned Additional Advocate General assisted by Mr.A.N.Thambidurai, learned Special Government Pleader appearing on behalf of the respondents. I have perused the materials placed for consideration before this Court.

4. The limited prayer in this Writ Petition is to issue a direction to the respondents to inspect the petitioner's machinery and to issue a certificate of stability thereof so as to enable the petitioner to enclose such certificate along with his tender application, which is one of the mandatory conditions required to be fulfilled by the tenderers. Even though the petitioner has submitted a representation dated 20.03.2017 requesting the respondent to issue such certificate, so far, no action has been taken thereof, thereby the petitioner was indirectly prevented from participating in the tender.

5. Today, when the matter is taken up for hearing, the learned Additional Advocate General submitted that the alleged request said to have been made by the petitioner has not been received by the respondents, however, the respondents are ready to consider such request of the petitioner. It is further submitted that the officials attached to the office of the respondents would inspect the machineries at the petitioner's

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

unit and issue such certificate in accordance with the procedures laid down. Such submission made by the learned Additional Advocate General is recorded.

6. In view of the submissions made by the learned Additional Advocate General and taking note of the fact that the last date for submission of E-tender is on 27.03.2017, this Court direct the respondents to cause necessary inspection of the petitioner's unit for the purpose of issuing stability certificate for the machineries on the basis of the representation enclosed by the petitioner in this writ petition and issue necessary machinery certificate by tomorrow i.e., (25.03.2017) so as to enable the petitioner to participate in the E-tender. The petitioner is also directed to approach the officials of the respondents with a copy of this order along with the representation already made by him to enable them to proceed further in accordance with law.

7. With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm
To
1. The District Collector,
   Thiruvallur District,
   Thiruvallur.
2. The Revenue Divisional Officer,
   Ambattur,
   Thiruvallur Taluk.
3. The Tahsildhar,
   Madhuravayal Taluk,
   Alappakkam,
   Chennai 600 116.

+1cc to Mr.M.S.Palanisamy, Advocate, S.R.No.18515

W.P.No.7443 of 2017

gmi(co)
rmp(24/03/17)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/