

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2017

CORAM

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

W.P.No.7447 of 2017

N.Saravanan

.. Petitioner

Vs.

The Special Chief Engineer,
Highways Department,
Highways Circle (C&M)
Jahir Ammapalayam
Salem - 636 302
Salem District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to pass an order of Writ of Mandamus directing the respondent to forthwith open the tender application submitted by the petitioner on 08.03.2017 to the tender notification No.7/2016-2017/HDO dated 27.01.2017, invited by the respondent in Item No.6 and to award the contract in favour of the successful bidder within a time limit that may be specified by this Court

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.A.N.Thambidurai
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who accepts notice on behalf of the respondent, and with the consent on either side, the writ petition is taken up for final disposal in the admission stage itself.

2. The case of the petitioner is that he is a registered Class I Contractor with the Highways Department and possess rich experience in the works relating to Highways Department. It is stated that the respondent had published a tender notification dated 27.01.2017 inviting applications for various contractual works (listed under Sl.Nos.1 to 10 of tender notification) relating to strengthening, improving, widening the existing road within his jurisdiction. The petitioner participated in the tender for works under the

Sl.No.6

3. Of the few conditions listed in the tender notification the one that is relevant for this case is that only Class-I Contactors registered in the Highways Department are eligible to participate in the tender and the other being that the pre-qualification bid documents for works in Sl.No.1 to 5 and 7 to 9 and percentage tenders for the works in Sl.No.6 and 10 will be opened in the presence of the tenderers by the Special Chief Engineer (C&M) (H) Salem at 3.15 p.m. on 09.03.2017.

4. The learned counsel for the petitioner submitted that the petitioner is a Class-I Contractor registered with the Highways Department and had participated in the bid under Sl.No.6 of tender notification. It is stated that the application was sent by the petitioner to the office of the respondent on 08.3.2017 by registered post. It was evident from the postal receipt that the said application was received by the respondent on 09.03.2017. The petitioner had waited in the office of the respondent from 11.00 a.m on 09.3.2017, anticipating that the tender would be opened at 3.15 p.m. on the same day. But, the petitioner was kept in dark without no knowledge whether the tender was opened or it was deferred for any reason. In such a case, the respondent should have caused necessary publication indicating the subsequent date of opening of tender. To his knowledge, till date the tender was neither opened nor finalised. Aggrieved which, the petitioner has approached this Court in this Writ Petition.

5. According to the petitioner, he has strictly complied with the instructions given in the tender notification. The only grievance of the petitioner is that inspite of the tender had reached the respondent office on time i.e., 09.3.2017, as per the tender schedule, it was not opened in his presence. Moreover, till date, he was not informed about the status of the tender and was also not aware whether the tender was finalised by the respondent.

6. The learned Special Government Pleader appearing for the respondent stated that even as per the tracking sheet of the Indian Postal Service, which was enclosed by the petitioner in his typed set of papers itself would reveal that the tender containing consignment booked by the petitioner was delivered at the respondent's office only at 15.45 hours at 09.3.2017 (i.e., at 3.45 pm on 09.03.2017), which is beyond the time prescribed in the tender notification for receipt of tenders. Since the tender submitted by the petitioner was not received on time, it was rejected by the respondent.

7. This Court, heard the rival submissions made by the learned counsel for the petitioner and the learned Special Government Pleader and perused the records. The statement

8. In view of the statement made by the learned Special Government Pleader, this Court is of the opinion that no further order or direction to the respondent is required in this Writ Petition. Accordingly, this Petition is closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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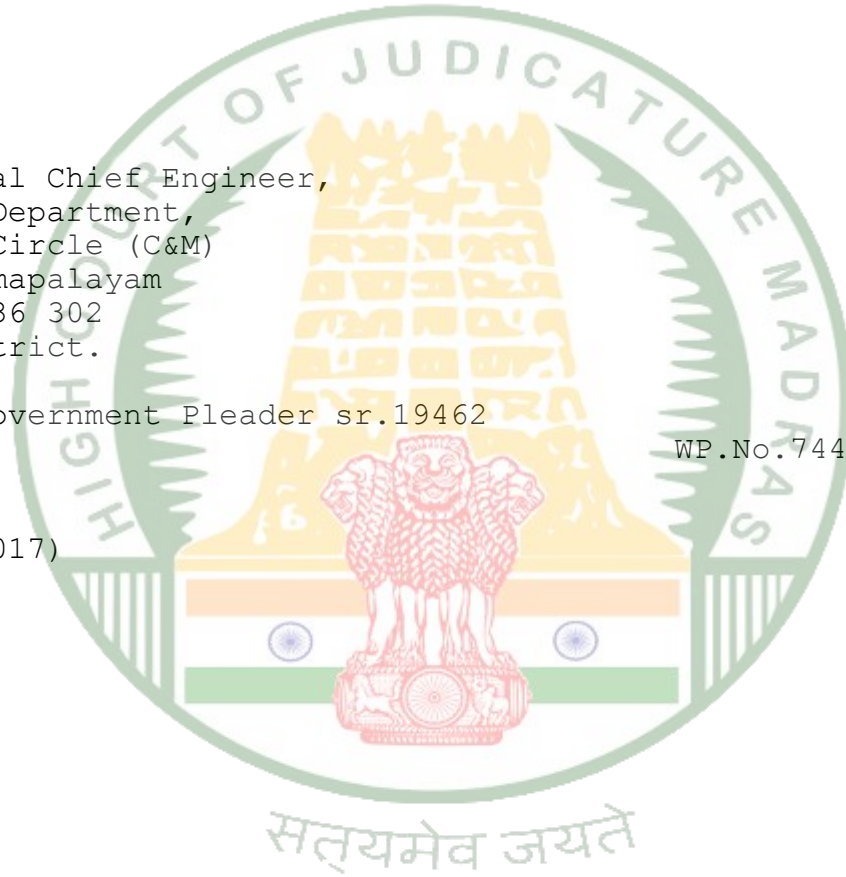
The Special Chief Engineer,
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Salem District.

+1cc to Government Pleader sr.19462

WP.No.7447 of 2017

sj(co)

ss(17/4/2017)



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