

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.5632 of 2017
and
W.M.P.No.6017 of 2017

M/s.D.S.R. Sons India Engineers
Pvt. Ltd., rep. by its
Managing Director D.S.Raveekumar .. Petitioner

Vs.

1.The Joint Director/Project Director,
District Rural Development
Authority (DRDA),
Kanchipuram District, Collectorate,
Kanchipuram.

2.The Collector/Chairman (DRDA),
Kanchipuram District,
Collectorate, Kanchipuram. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the first respondent to open the bids of the petitioner for the tenders viz., (1)The tender notice No.838/2016/A9 dated 31.01.2017 (TNKPM 09/2016-2017), 2.The tender notice No.838/2016/A9 dated 24.01.2017 (TNKPM 01/2016-2017), 3.The tender notice No.838/2016/A9 dated 27.01.2017 (TNKPM 15/2016-2017), 4.The tender notice No.838/2016/A9 dated 27.01.2017 (TNKPM 14/2016-2017), 5.The tender notice No.838/2016/A9 dated 27.01.2017 (TNKPM 16/2016-2017), 6.The tender notice No.838/2016/A9 dated 27.01.2017 (TNKPM 13/2016-2017), 7.The tender notice No.838/2016/A9 dated 27.01.2017 (TNKPM 12/2016-2017) and 8.The tender notice No.838/2016/A9 dated 27.01.2017 (TNKPM 10/2016-2017), after informing the petitioner the date, time and venue of the opening of the tenders and open the tenders in the presence of the petitioner or his representative within a particular date not later than 10th March 2017 as per Section 8 of the Tamil Nadu Transparency in Tenders Act, 1998 and Rule 21 of the Tamil Nadu Transparency in Tenders Rules, 2000.

For Petitioner .. Mr.S.Doraisamy
For Respondents .. Mr.Manishankar,
Addl. Advocate General
assisted by
Mr.P.V.Selvakumar,
Addl. Govt. Pleader

ORDER

The petitioner is one of the tenderers for various bids. The bids are sought to be opened on 03 March, 2017. It appears that due to some technical hitch, the bids were opened on 06 March, 2017, after due notice. On the premise that the petitioner has not been put on notice, the present writ petition has been filed.

2.Learned counsel appearing for the petitioner submits that on 03 March, 2017 the bids were not opened. Hence appropriate direction will have to be issued to the respondents.

3.Learned Additional Advocate General, on instructions, submits that the bids were opened on 06 March 2017, after due notice to all the bidders including the petitioner. As per Clause 10, the price bid shall be valid for a period of 90 days from the date notified for opening the price bid. The said situation has not commenced. The bids are to be opened on-line as per Clause 20.1. Accordingly, the bids were opened on-line. After the tenders are short-listed and before considering the price bid, the concerned bidders whose bids have been short-listed will be put on notice and S.M.S. will be sent to them.

4.Learned counsel appearing for the petitioner would submit that in the event of the petitioner's bids being short-listed, they should also be put on notice.

5.There is no difficulty in considering the said request made by the learned counsel for the petitioner in view of the fair submission made by the learned Additional Advocate General. The said submission made by the learned Additional Advocate General stands recorded. In such an eventuality, the petitioner would also be informed, as that of the other bidders, whose names are short-listed.

6.With the above observation, the writ petition stands

disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mmi

To

1.The Joint Director/Project Director,
District Rural Development
Authority (DRDA),
Kanchipuram District, Collectorate,
Kanchipuram.

2.The Collector/Chairman (DRDA),
Kanchipuram District,
Collectorate, Kanchipuram.

+1cc to M/s.S.Doraisamy,Advocate for the petitioner sr.15434

+1cc to Mr.P.V.Selvakumar,Advocate for R1 sr.15352

+1cc to Government Pleader sr.15927

kj (co)
ss (24/3/2017)

W.P.No.5632 of 2017

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