

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

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The Honourable **Mr.Justice HULUVADI G.RAMESH,**  
**and**

The Honourable **Dr.Justice S.VIMALA**

**W.A.NO.468 of 2017 &**  
**C.M.P.No.7020 of 2017**

M/s.Excel Engineering Enterprises,  
No.63, Thamaraikulam,  
Yelagiri Post,  
Jolarpet, Vellore District,  
rep. by its Proprietor,  
G.Kumaresan

.. Appellant

versus

1. The Commissioner,  
Ambur Municipality,  
Ambur,  
Vellore District.

2. Mr.Karthikeyan

3. Mr.Prem Anand

4. The District Collector,  
Vellore.

5. The Regional Director of  
Municipal Administration,  
Vellore.

6. The Commissioner of  
Municipal Administration,  
Chepauk, Chennai-5.

7. The Director,  
Vigilance and Anticorruption,  
Chennai.

8. V.Manivasakam

.. Respondents

For Appellant : Mr.S.Doraisamy  
For Respondent : Mr.S.T.S.Moorthy, AAG-R1  
Mr.P.S.Sivashanmuga  
Sundaram for R7

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent,  
against the order of the learned single Judge dated 05.04.2017 in  
W.P.No.3153 of 2017.

### **JUDGMENT**

(Judgment of the Court was made by  
HULUVADI G. RAMESH, J.)

This Writ Appeal has been directed against the order of the  
learned single Judge dated 05.04.2017 in W.P.No.3153 of 2017  
dismissing the writ petition filed by the appellant, seeking to  
direct the respondents to cancel tender and to conduct re-tender.

2. Heard the learned counsel for the appellant and the  
learned Addl.Advocate General appearing for the respondents.

3. It appears that after following the formalities, tender was confirmed having accepted the technical bid of the fourth respondent and thereafter, on negotiation, the price bid was also accepted and on approval of the tender by the Committee constituted, a work order was also issued and 50% of the work was also over. At this stage, the appellant filed the writ petition pointing out certain irregularities in confirming the bid.

4. The learned Judge, after adverting to the rival submissions made by both parties and on going through the entire records produced before him, dismissed the Writ Petition stating that the allotted work was in progress having completed 50% and hence, at this stage, it would not be proper to interfere with the same. Further, the learned Judge also directed the authorities, in future, to communicate the reasons as and when technical bid is rejected through registered post apart from sending e-mail to the tenderers concerned within three days from the date of such rejection.

5. In the light of the above, we do not find any infirmity in the order of the learned Judge in order to interfere with the same, particularly, in view of the fact that substantial progress in the work has been made after entrustment of the work and if any interference at this stage, would lead to unsettle the settled things. The appellant having not satisfied with the rejection of his technical bid, came forward with the writ petition with some lame excuses stating that they demanded 25% of the amount etc., which cannot be accepted at this stage. Therefore, we do not find any reason to interfere with the order of the learned Judge.

Accordingly, the Writ Appeal fails and the same is dismissed. No costs. Consequently, connected CMP is closed.

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(H.G.R.,J.) (S.V.,J.)  
21.04.2017

To

1. The Commissioner,  
Ambur Municipality,  
Ambur,  
Vellore District.
2. The District Collector,  
Vellore.
3. The Regional Director of  
Municipal Administration,  
Vellore.
4. The Commissioner of  
Municipal Administration,  
Chepauk, Chennai-5.
5. The Director,  
Vigilance and Anticorruption,  
Chennai.

HULUVADI G.RAMESH, J.  
and  
DR.VIMALA, J.  
suk

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