

In the High Court of Judicature at Madras

Dated: 30.01.2017

Coram

The Honourable Mr.JUSTICE B.RAJENDRAN

W.P.No.2156 of 2017

and

WMP No.2125 of 2017

M/s.Sunshine International Agri Tech,
Rep. By its Proprietor P.Tamilan
Door No.W2/151/1/C-3
Mariyaponnusamy Mill Compound,
Annanjivilakku Unjampatti,
Theni District 625 531.

..Petitioner

Vs

1 The Principal Secretary and Production
Commissioner of Agriculture,
Department of Agriculture,
Secretariat,
First Floor,
Fort St.George,
Chennai -9.

2.Tamil Nadu Horticulture Development Agency,
Rep. By its Managing Director,
Third Floor, Agriculture Complex,
Chepauk, Chennai-5.

3.The Director of Agriculture,
Third Floor, Agriculture Complex,
Chepauk,
Chennai-5.

..Respondents

Prayer: Writ petition filed under Article 226 of the constitution of India for issuance of a writ of mandamus to direct the respondents to permit the petitioner company to participate in the entire Tender process for procurement of Water Soluble Fertilizers under fixed rate contract for the year 2016-17 issued by the second respondent.

For Petitioner : Mr.Venkatachalapathy,
Senior Counsel
for M/s.Y.Kavitha

For Respondents: Mr.A.Kumar
Special Government Pleader

ORDER

This writ petition is filed for a mandamus to direct the respondents to permit the petitioner company to participate in the entire Tender process for procurement of Water Soluble Fertilizers under fixed rate contract for the year 2016-17 issued by the second respondent.

2. According to the petitioner, they are manufacturer of all kinds of fertilizers. The petitioner company was the erstwhile tenderer in various districts in different products. While so, the Tamil Nadu Horticulture Development Authority floated a fresh tender for the year 2016-2017 for the purpose of procuring Water Soluble Fertilizer. The first process as per the tender is selection for technical bid, which is scheduled to take place on or before 31.01.2017. However, the respondents have not allowed the petitioner to participate in the tender process for the year 2016-2017. Hence, the present writ petition.

3. After some elaborate arguments, learned senior counsel appearing for the petitioner submitted that the tender had been called for and till date it has not been opened. The petitioner who is the erstwhile tenderer ought to have been allowed to participate in the tender. All the participants should be called for opening the tender and even for technical bid. Since the same has not been done, he has come forward with the present writ petition.

4. Learned Special Government Pleader appearing for the respondents on instructions would submit that as against the petitioner already four cases have been filed, one at Madurai in C.C.No.43 of 2016 for non standard supply and also in Vadipatti, Coimbatore and Tiruppur. According to clause 19 of the original contract, if there is a mistake committed in the earlier contract, their qualification may not be considered at all. Therefore, he may not be even eligible to participate.

5. Heard all the parties.

6. Considering the above facts of the case, since the tender has not yet been opened and as he has submitted his tender, the petitioner shall participate in the tender and if the petitioner participates in the tender, the authority is at liberty either to accept the tender or reject the tender of the petitioner on any of the reasons enunciated in the tender

conditions. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Principal Secretary and Production
Commissioner of Agriculture,
Department of Agriculture,
Secretariat,
First Floor,
Fort St.George,
Chennai -9.
2. The Managing Director,
Tamil Nadu Horticulture Development Agency,
Third Floor, Agriculture Complex,
Chepauk, Chennai-5.
- 3.The Director of Agriculture,
Third Floor, Agriculture Complex,
Chepauk,
Chennai-5.

+1 cc to M/s.Y.Kavitha Advocate sr 5485

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