

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.32408 of 2017

and

WMP.No.35694 of 2017

Karthikeya Dall Producers
Rep. by its partner
Madala Ramanjaneyulu
S/o.Madala Venkata Ramaiah

... Petitioner

versus

The Tamil Nadu Civil Supplies Corporation
Rep. by its Managing Director
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to receive the petitioner's tender papers along with EMD amount in respect of Tender notification Reference No.BS6/048995/2017 dated 07.11.2017 issued by the respondent and permit the petitioner to participate in the further tender proceedings in accordance with law.

For Petitioner : Mr.G.Mohanakrishnan

For Respondent : Mr.S.T.S.Murthy

Additional Advocate General

asst. by Mr.L.P.Shanmugasundaram

standing counsel

O R D E R

The petitioner seeks for mandamus directing the respondent to receive the petitioner's tender along with EMD in respect of the Tender notification dated 07.11.2017 and permit the petitioner to participate in the further tender proceedings in accordance with law.

2. This writ petition was filed before this Court on 08.12.2017 and the same was taken up for admission on 13.12.2017, on which day, the learned counsel for the petitioner was directed to serve papers on the learned standing counsel for the respondent Corporation. Accordingly, the matter is listed today, for further hearing.

3. Mr.S.T.S.Murthy, learned Additional Advocate General appearing for the respondent submitted that the prayer sought for in this writ petition has become infructuous, in view of the fact that the entire tender process is already over and the successful bidder has also been awarded the contract and that the contractor has also started supplying subject matter goods to the consumer as per the following details:-

Tender Notification published on : 07.11.2017
Tender Closing date : 28.11.2017 11.00 A.M.
Opening date : 28.11.2017 11.30 A.M.

No. of participants - 4

1. Natural Food Products, Namakkal
2. Suvarnabhoomi Enterprises, Coimbatore.
3. Hitech Grain Processing Pvt. Ltd., New Delhi
4. The State Trading Corporation of India Ltd., Chennai.

Not Eligible

1. Hitech Grain Processing Pvt. Ltd., New Delhi.
Price bid opened on 29.11.2017.

Orders issued on 29.11.2017

1. Natural Food Products, Namakkal - 18,000 MTs.
2. The State Trading Corporation of India Ltd., Chennai-2,000 MTs.

SPECIAL P.D.S

TAMIL NADU CIVIL SUPPLIES CORPORATION : HEAD OFFICE : CHENNAI-10
ARRIVALS OF SPL. PDS STOCK AS ON : 18.12.2017
DATED:19.12.2017

Name of the Party	Date of Order	Time Limit	Qty Ordered (M.T)		Total 1 (M.T)	Qty Supplied				Total (M.T)	Balance to be supplied (M.T)
			Chennai (North)	Chennai (South)		On the Day (M.T)		Upto the Day (M.T)			
					Chennai (North)	Chennai (South)	Chennai (North)	Chennai (South)	Chennai (North)		
			1	2	3 (1+2)	4	5	6	7	8 (6+7)	9 (3-8)
Masoor Dal (Malka) (Date of Tender : 28.11.2017) Moved Qty Chennai Region (North & South)											

Name of the Party	Date of Order	Time Limit	Qty Ordered (M.T)		Total (M.T)	Qty Supplied				Total (M.T)	Balance to be supplied (M.T)
			Chennai (North)	Chennai (South)		On the Day (M.T)		Upto the Day (M.T)			
						Chennai (North)	Chennai (South)	Chennai (North)	Chennai (South)		
			1	2	3 (1+2)	4	5	6	7	8 (6+7)	9 (3-8)
M/s. Natural Food Products, Namakkal	29.11.2017	23.12.2017	17100	900	18000	1169	69	12120	331	12451	5549
The State Trading Corporation of India Limited	29.11.2017	16.12.2017	1900	100	2000			1895	0	1895	105
Total			19000	1000	20000	1169	69	14015	331	14346	5654

4. The learned counsel for the petitioner submitted that even though the present tender process is over, since the respondent Corporation is encouraging the syndicate created by the vested interest, thereby driving the persons like the petitioner to approach the Court challenging the tender process, such illegal practice should be put an end by this Court, by passing an appropriate order.

5. Needles to say that the above said allegations, even assuming to be true, have to be considered and decided only in an appropriate proceedings, seeking for appropriate relief. In this case, what is sought for by the petitioner is seeking for mandamus to accept his tender, when the fact remains that the tender process is already over and another third party was awarded the tender and therefore, it is for the petitioner to

work out his remedies in the manner known to law, by filing appropriate proceedings. The respondent Corporation is directed to furnish the details of the successful bidder to the petitioner within a period of seven days from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of, having become as infructuous, however, with liberty to the petitioner to move for appropriate relief. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

mk
To

The Tamil Nadu Civil Supplies Corporation
Rep. by its Managing Director
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

+1 CC to Mr.G. Mohana Krishnan, Advocate sr 91828.
+1 CC to Mr.L.P. Shanmuga Sundaram, advocate sr 91909.

W.P.No.32408 of 2017

SP(10/01/2018)

सत्यमेव जयते

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