

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.21906 of 2017 &

W.M.P.No.22935 of 2017

M/s.Perfect Engineering Services
(Civil, Electrical and Mechanical Contractors)
rep by its Managing Partner V.Vasudevan S/o.Velliyan
Pethankadu, Thethigiripatty Post,
Mettur Taluk, Salem - 636 451. Petitioner

Vs.

- 1.The Project Director,
Directorate of Rural Development Agency,
Collectorate, Salem.
- 2.The Executive Engineer,
Directorate of Rural Development Agency,
Collectorate, Salem. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to permit the petitioner to participate in the tender viz., Tender Notice No.1924/2016/A3 dated 14.07.2017 on the file of the 1st respondent in respect of Work Nos. 1, 2, 3, 4, 7 and 10 without insisting upon the Machinery Working Condition Certificate from the 2nd respondent as per the invitation for pre-qualification.

For Petitioner : Mr.S.Doraisamy
For Respondents : Mr.R.Rajeswaran,
Special Government Pleader

O R D E R

Mr.R.Rajeswaran, learned Special Government Pleader takes notice for the respondents. By consent, the main writ petition is taken up for disposal at the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents to permit the petitioner to participate in the tender viz., Tender Notice No.1924/2016/A3 dated 14.07.2017 on the file of the 1st respondent in respect of Work Nos. 1, 2, 3, 4, 7 and 10 without insisting upon the Machinery Working Condition Certificate from

the 2nd respondent as per the invitation for pre-qualification

3.Mr.S.Doraisamy, learned counsel appearing for the petitioner submitted that the petitioner would be satisfied if a direction is given to the 2nd respondent to consider the petitioner's representation dated 07.08.2017 and pass orders today itself for the reason that the last date for submission of the tender is tomorrow (i.e.) 17.08.2017. Further, the learned counsel submitted that as per the tender conditions, the bidders should submit a certificate issued by an Officer not below the rank of AEE of the Rural Development Department in the district with regard to the availability of the machinery and therefore, if such a certificate is not issued to the petitioner, the petitioner will not be in a position to submit his tender on 17.08.2017.

4.Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents submitted that the 2nd respondent may be directed to consider the petitioner's representation dated 07.08.2017 and pass orders in accordance with law.

5.In view of the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, I direct the 2nd respondent to consider the petitioner's representation dated 07.08.2017 and pass orders before 11.00 am on 17.08.2017.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

va
To

1.The Project Director,
Directorate of Rural Development Agency,
Collectorate, Salem.

2.The Executive Engineer,
Directorate of Rural Development Agency,
Collectorate, Salem.

+1 cc to Mr.S.Doraisamy Advocate sr 58650

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