

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.32477 of 2017andWMP Nos.35797 and 35798 of 2017

Yuvaraj Choudry

...Petitioner

Vs

1.The Transport Secretary,
Namakkal Kavingar Malizai,
4th Floor, St.George Fort, Secretariat,
Chennai.

2.The Managing Director,
Tamilnadu State Transport Corporation
(Villupuram) Limited,
3/137, Salamedu,
Villupuram-602.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the entire records pertaining to the notification of the second respondent in tender form dated 30.11.2017 issued in website for public auction/tender for S.No.8 and 9 in TNSTC(VPM) Motel Complex at Mamandur, Kancheepuram District and quash the same.

For Petitioner	:	Mr.L.Chandrakumar for Mr.E.D.Sethupathi
For Respondents	:	Mr.R.Govindasamy Special Government Pleader

ORDER

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

2. Heard Mr.L.Chandrakumar, the learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents.

2.The petitioner is aggrieved against the tender notification dated 30.11.2017, more particularly, in respect of items at Serial Nos.8 and 9. According to the petitioner, the EMD fixed for items 8 and 9 varies as Rs.75,000/- and Rs.50,000 respectively, even though the nature of work and extent of the area to be allotted to execute such work are one and the same. The next contention raised by the petitioner is that the cover containing the commercial bid is not proposed to be opened simultaneously along with the qualification bid and therefore, there is no transparency. I do not think that the petitioner is entitled to raise both the grounds in the present writ petition, as they are not in any way affecting the interest of the petitioner. If he is willing to participate, the difference in EMD quantum will not stand in his way as the EMD can always either be refunded or adjusted in accordance with the terms of the contract. Insofar as the

other contention is concerned, needless to say that only when the petitioner and other tenderers are qualified in the technical/qualification bid, the question of opening their respective commercial bid would arise . Therefore, the petitioner is not justified in raising both the contentions to quash the impugned tender notification. Accordingly, I find no reasons to entertain this writ petition and thus, the same is dismissed. No costs. The connected miscellaneous petitions are closed.

13.12.2017

Speaking/Non Speaking

Index : Yes / No

vri

To

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K.RAVICHADNRABAABU,J.
vri



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