

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.12.2017
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.Nos.32641 & 32955 of 2017
and
WMP.Nos.35975, 36346 & 36347 of 2017

K.Priyadarshini
Proprietor
Fillo Hotels
No.4/14, Kamaraj Salai, Saram
Puducherry - 605 013.

... Petitioner
(in both WPs)

versus

1.The Secretary to Government (Tourism)
Chief Secretariat
Goubert Avenue, Puducherry.

2.The Managing Director
Puducherry Tourism Development Co-operative Limited
Puducherry.

...Respondents
(in both WPs)

Writ Petition No.32641 of 2017 filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to issue the Work Order to the petitioner which was finalised as the highest bid while opening it on 07.12.2017 as per the notification dated 21.11.2017 and in pursuance of the Terms and Conditions of the tender cum auction notice issued by the 2nd respondent Corporation.

Writ Petition No.32955 of 2017 filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records comprised in the Re-tender cum Auction notice as made in No.177/PTDC/Cat./Tender/2017-18 dated nil published in Dina Malar tamil daily dated 14.12.2017, calling for Re-Tender cum auction for conducting "New Year Event-2018" (31.12.2017 Sunday evening) at Seagulls Chunnambar, Paradise Beach - Nonankuppam and Seagulls Oussudu Campus at Puducherry, on the file of the 2nd respondent, quash the same in respect of the venue at "Paradise Beach-Nonankuppam" alone and further direct the 2nd respondent to issue the Work Order to the petitioner which was finalised as the highest bid while opening

it on 07.12.2017 as per the notification dated 21.11.2017 in respect of "Paradise Beach-Nonankuppam" in pursuance of the Terms and Conditions of the tender cum auction notice issued by the 2nd respondent Corporation.

For Petitioner : Mr.R.Karthikeyan (in Both WPs)

C O M M O N O R D E R

WP.No.32641 of 2017 is filed seeking for mandamus directing the second respondent to issue work order to the petitioner in pursuant to the Tender notification dated 21.11.2017. WP.No.32955 of 2017 is filed challenging the notice for Re-Tender cum Auction. The petitioner is one and the same in both these writ petitions.

2. Heard Mr.R.Karthikeyan, learned counsel for the petitioner and perused the materials placed before this Court.

3. The grievance of the petitioner is that when she was the highest bidder in respect of the Tender Notification dated 21.11.2017, the respondents without awarding the work to the petitioner, has gone for fresh tender, which according to the petitioner is bad in law.

4. It is not in dispute that the earlier Tender called for, in pursuant to the Notification dated 21.11.2017, was subsequently cancelled and the petitioner was also informed through communication dated 14.12.2017, issued by the Puducherry Tourism Development Corporation Limited that the earlier Tender cum Auction has been cancelled, due to administrative reasons and also on the reason that the rate quoted by the petitioner firm was on par with the previous years. Accordingly, the said authority returned the Earnest Money Deposit (EMD) submitted by the petitioner as well. Now a fresh tender is called for wherein, admittedly the petitioner is not prevented from participating in the Re-tender.

5. Therefore, I am of the considered view that the interest of the petitioner is not prejudiced in any manner as she can very well take part in the Re-tender. In any event, when the authority has chosen to cancel the earlier tender, the petitioner, even assuming to be the highest bidder, cannot have a vested the right to claim that the work should be awarded to her.

Therefore, I find no merits in both these writ petitions. Accordingly, both the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

mk

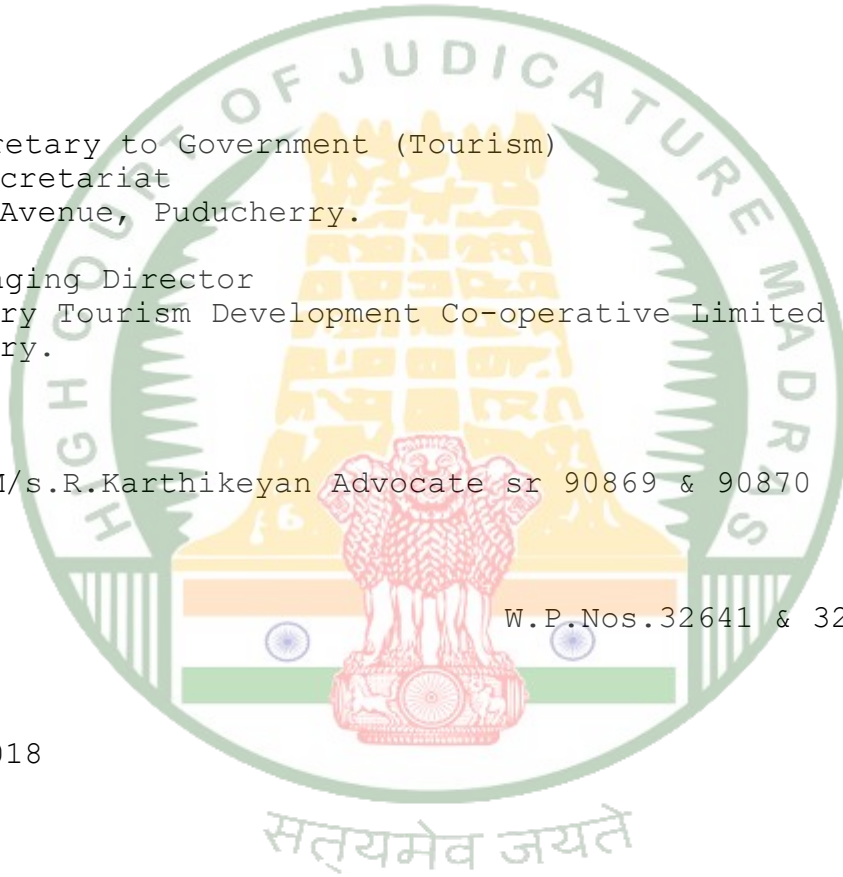
To

- 1.The Secretary to Government (Tourism)
Chief Secretariat
Goubert Avenue, Puducherry.
- 2.The Managing Director
Puducherry Tourism Development Co-operative Limited
Puducherry.

+2 cc to M/s.R.Karthikeyan Advocate sr 90869 & 90870

W.P.Nos.32641 & 32955 of 2017

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