

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2017

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.Nos.13800 to 13802 of 2017
and
W.M.P.Nos.14995 to 14997 of 2017

S.J.Brothers,
Rep. by its Partner B.Vasanthi

... Petitioner in all W.Ps

vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.
2. The Regional Deputy Commissioner,
Greater Chennai Corporation,
No.62, Basin Bridge Road,
Chennai 600 079.
3. The Zonal Officer,
Zone I,
Greater Chennai Corporation,
No.945, Tiruvottiyur High Road,
Chennai 600 019.
4. FECICOM Corporate Services Pvt. Ltd.,
Having Office at Highlights,
Plot No.19, Nerkundram Road,
Veda Nagar, Chinmaya Nagar,
Chennai - 92.
5. Mr.S.Mani ... Respondents in all W.Ps.

Petitions filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to direct the 1st to 3rd respondents to forthwith award contract to the Petitioner as the Petitioner is L-1 in the Bid Rank so as to supply 45, 56 and 52 Nos. respectively of labour for Malaria Control Works in Zone-I, Unit - 1,2 and 3 respectively Ward Nos.1 to 4, 5 to 9 and 10 to 14 respectively for the year 2017 - 2018 pursuant to

the tender issued in Z.O.1.C.No.H1/01087/2017,
Z.O.1.C.No.H1/01088/2017 and Z.O.1.C.No.H1/01089/2017
respectively dated 28.04.2017 by the 3rd respondent herein.

For Petitioner .. Mr.K.Raja in all W.Ps.

For Respondents .. Mr.P.V.Selvakumar for RR1&3
Mr.V.R.Rajasekaran for R5
No Appearance for R4

COMMON ORDER

Claiming to be the L1 bidder, the petitioner has filed the present writ petitions seeking a direction to award the contract to it.

2.In the counter affidavit filed by the Corporation of Chennai, it has been stated that for the non-furnishing of the experience certificate, the bid of the petitioner was not accepted and the fourth respondent was given the tender. Following is the averment made in para 7 of the counter affidavit:

"I respectfully submit that after scrutinizing the tender the fourth respondent was found eligible for the above tender and work order was issued to the 4th respondent vide Z.O.I.C.No.H1/01087/2017 dated 09.05.2017. I further submit that on receipt of the work order the 4th respondent herein has commenced the work on 09.05.2017 and the tender period has expired on 31.05.2017."

3.By way of rebuttal, learned counsel appearing for respondents 1 to 3 would submit that all records have been ante-dated and work order has been issued and therefore, the fourth respondent shall not be allowed to do the work, pursuant to the e-tender, which is the subject matter of the writ petitions. This is the dispute which the petitioner seeks to raise. Para 7 of the counter affidavit would show that the work order has already been issued and the tender period has also expired on 31.05.2017

4.In such view of the matter, nothing survives for consideration in these writ petitions. However, it is made clear that there cannot be any work order for the e-tender, which is the subject matter of the writ petitions and therefore in such

an eventuality, the fourth respondent shall not be allowed to do any work pursuant to the same as it is the specific case of respondents 1 to 3 that the entire work is already over. The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

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3. The Zonal Officer,
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Chennai 600 019.

+1 CC to Mr.V.R. Rajasekaran, Advocate sr 42312
+1 CC to Mr.P.V. Selvakumar, Advocate sr 42324
+3 Ccs to Mr.M.K. Raja, Advocate sr 42364

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SVI (CO)
SP(10/07/2017)

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