IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.26061 of 2017
and
W.M.P.No.27673 of 2017

M/s. V.K.Constructions,
through its Partner K.Mayilvel,
Old No.4/46, New No.4/775,
Vadaseripatty.SIPCIOT,
Pudukkotai. .. Petitioner

Vs.

1. The Superintending Engineer,
The state Industries Promotion
Corporation of Tamil Nadu Ltd.,
19A, Rukmani Lakshmipathy Road,
Egmore,
Chennai - 600 008.

2. The Managing Director,
The State Industries Promotion
Corporation of Tamil Nadu Ltd.,
19-A, Rukmani Lakshmipathy Road,
Egmore,
Chennai - 600 008. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 and 2 herein to award the contract to the petitioner who was orally declared as qualified and lowest bidder on 07.06.2017 and 08.06.2017 by the respondents, for the tender regarding Annual Maintenance Contract for Maintenance of water supply, Street Light System and A.O. Block at SIPCOT Industrial Growth Centre in Oragadam and other SIPCOT Industrial Complexes at Nilakottai, Gangaikondan, Bargur, Cuddalore and Pudukottai by various tender notifications dated 11.05.2017 and 12.05.2017 by considering his representation dated 8.8.2017 and 17.8.2017 within the time to be stipulated by this Court.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

For Petitioner : Mr.S.Thamizharasan

For Respondents : Mr.Sudharshana Sundar,
Standing Counsel

O R D E R

Mr.Sudharshana Sundar, learned Standing Counsel takes notice for the respondents.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The petitioner seeks for a Mandamus to direct the respondents to award the contract to the petitioner who was orally declared as qualified and lowest bidder in the tender regarding Annual Maintenance Contract for Maintenance of water supply, Street Light System and A.O. Block at SIPCOT Industrial Growth Centre in Oragadam and other SIPCOT Industrial Complexes at Nilakottai, Gangaikondan, Bargur, Cuddalore and Pudukottai by various tender notifications.

4. The grievance of the petitioner is that even though they are declared orally as the lowest bidder, the contract was not awarded to them so far. On the other hand, the learned counsel for the respondents, based on the instructions, submitted that due to certain reasons the respondents have chosen to cancel the very tender notification and proposed to go ahead with the process of issuing fresh tender notification and therefore, the petitioner cannot have any grievance or right to claim that they should be awarded the contract.

5. It is seen from the contention of the petitioner that even according to them, they were orally declared as the lowest tenderer, when admittedly, no further communication was issued by the respondents in writing to that effect. Therefore, the petitioner cannot have any vested right merely because of their participation in the tender process, unless an order is issued in their favour vesting some rights on them. In this case, the learned counsel for the respondents, based on instructions, categorically submitted that the respondents have proposed to cancel the tender notification issued earlier and are going to issue a fresh tender notification later. Therefore, if any such notification is issued, it is open to the petitioner to participate once again in that process.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

5. With this observations, the writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Superintending Engineer,
The state Industries Promotion
Corporation of Tamil Nadu Ltd.,
19A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.

2. The Managing Director,
The State Industries Promotion
Corporation of Tamil Nadu Ltd.,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.

+1 cc to Mr.Thamizharasan Advocate sr 72951
+1 cc to Mr.Sudharshana sunder Advocate sr 72954

W.P.No.26061 of 2017

ssi(co)
aa31/10/2017

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/