



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	03.08.2017
Pronounced on	25.10.2017

WEB COPY

DATED : 25.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD)Nos.13606 to 13608 of 2017
and
WMP(MD)Nos.10640 to 10645 of 2017

1.W.P(MD)No.13606 of 2017:-

Sri Paulthai Lorry Booking Office
through its Proprietor G.Jeyasing

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Chennai-10.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Regional Office, 110, Good Shed Road,
Udhagamandalam.
3. M/s.Balaji Transport,
P.S.Selvaraj,
No.10/3, OM Towers,
Nellai Hospital Opp.
Royal Theatre Road,
Erode-11.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 2nd respondent vide his proceedings Ref.No.R.C.No.B1/2297/2017, dated 15.07.2017, quash the same and consequently direct the respondents 1 and 2 to open the price bid submitted by the petitioner in respect of Nilgiris region and thereafter finalise the lowest tender and award transport contract for the period 01.08.2017 to 30.06.2018.

**2.W.P. (MD) No.13607 of 2017:**

Sri Paulthai Lorry Booking Office
through its Proprietor G.Jeyasing

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Chennai-10.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Sipcot Campus,
Tuticorin-628 008.
3. M/s.MKN Transport,
rep. by Sole Proprietor
N.Kumerasan
No.118/12, Madurai Road,
Tirunelveli

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 2nd respondent vide his proceedings Ref.No.R.C.No.B3/4322/2017, dated 18.07.2017, quash the same and consequently direct the respondents 1 and 2 to open the price bid submitted by the petitioner in respect of Tuticorin region and thereafter finalise the lowest tender and award transport contract for the period 01.08.2017 to 30.06.2018.

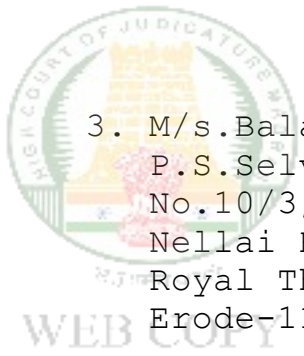
3.W.P. (MD) No.13608 of 2017:-

Sri Paulthai Lorry Booking Office
through its Proprietor G.Jeyasing

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head Office,
Chennai-10.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
H-38, A/10, TNHB Manikkampalayam,



3. M/s.Balaji Transport,
P.S.Selvaraj,
No.10/3, OM Towers,
Nellai Hospital Opp.
Royal Theatre Road,
Erode-11.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 2nd respondent vide his proceedings Ref.No.R.C.No.944/2017/BS2, dated 18.07.2017, quash the same and consequently direct the respondents 1 and 2 to open the price bid submitted by the petitioner in respect of Erode region and thereafter finalise the lowest tender and award transport contract for the period 01.08.2017 to 30.06.2018.

For Petitioner
[in all cases]

: Mr.A.Ajmal Khan,
Senior counsel
for Mr.Niranjan S.Kumar

For R1 and R2
[in all cases]

: Mr.B.Pugalendhi
Additional Advocate General
assisted by Mr.G.Muthukannan
Government Advocate

For 3rd Respondent
[in all cases]

: Mrs.Hema Sampath
Senior counsel
for Mr.A.Thiyagarajan

COMMON ORDER

These writ petitions have been filed challenging the order of the 2nd respondent, in and by which, the technical bid of the petitioner was rejected in respect of Nilgiris/Tuticorin/Erode regions and for a direction to open the price bid of the petitioner and to finalise the lowest tender and award transport contract for the period 01.08.2017 to 30.06.2018.

2.Since the issues involved in the writ petitions are one and the same, they have been disposed of by this common order.

3.The technical bids of the petitioner was rejected mainly on the ground that the petitioner was blacklisted by the official respondents due to irregularities in performance of the contract for the year 2008-2009. The case of the petitioner is that since he challenged the transport contract given to one Lawrence in W.P.Nos.13573 and 13574 of 2011 and as a revenge, the second respondent initiated proceedings to blacklist him, which is denied by the respondents in their counter.

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

4.Heard Mr.A.Ajmal Khan, Senior counsel for the petitioner,



Mr.B.Pugalendhi, Additional Advocate General appearing for the respondents 1 and 2, Mrs.Hema Sampath, learned Senior counsel appearing for the 3rd respondent and perused the materials available on record.

5.The grievance of the petitioner is that when the order of blacklisting is stayed by this court, the respondents have no authority to reject the bids of the petitioner on that ground.

6.It is seen that the order of blacklisting was challenged by the petitioner in W.P(MD)No.8063 of 2011 and this court, while admitting the writ petition granted interim stay on 05.07.2011, but eventually on 18.12.2015, the writ petition was dismissed with a direction to the second respondent to pass orders on the appeal of the petitioner.

7.It is also seen that the appeal was rejected subsequently and the contract was cancelled. Challenging the orders W.P(MD) No.2714 of 2016 and W.P.(MD)No.3330 of 2016 have been filed by the petitioner. This court on 08.02.2016 has granted interim stay of blacklisting for a period three weeks and order of *status quo* in so far as transportation is concerned. Again when the cases were listed on 17.03.2016, an order of status quo was alone extended till 31.03.2016. On 31.03.2016, interim order already was extended by three weeks. Then on 22.04.2016, this court passed the following orders:-

"Counter filed today. Interim order already granted is extended. Post after vacation."

8.According to the petitioner, interim stay of blacklisting was extended by an order, dated 22.04.2016 and it would be deemed to be extended until the order is vacated.

9.The learned Additional Advocate General urged that interim stay of blacklisting was granted in WMP(MD)No.2396 of 2016 only for a limited period, but subsequently, it was not extended and therefore, the blacklisting order revived, hence, the rejection cannot be found fault.

10.As stated supra, the order of blacklisting the petitioner was stayed in WMP(MD)No.2396 of 2016 for a period of three weeks, by an order of this court, dated 08.02.2016. However, subsequently, there is no record to show that the interim stay of blacklisting extended as claimed by the petitioner. Hence, this court is not able to subscribe the contentions made by the learned Senior counsel for the petitioner. Moreover, it is not yet decided in the earlier writ petition as to whether the interim stay is for limited period or not. Hence, until the issue is settled, the



petitioner had no right to put-forth such contention.

11. In view of the above facts, I do not find any reason to set aside the orders impugned in these writ petitions. The writ petitions fail and accordingly, they are **dismissed**. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Chennai-10.
2. The Regional Manager,
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3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Sipcot Campus,
Tuticorin.
4. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
H38 A/10 TNHB,
Manikkampalayam,
Erode.

+ 2 CC TO MR.Niranjan S.Kumar, ADVOCATE IN SR No.83824
+ 3 CC TO MR.B.Pugalendhi, ADVOCATE IN SR No.83965
+ 2 CC TO MR.A.Thiyagarajan, ADVOCATE IN SR No.83785
er
MK/SKN RSK/SAR-4/02.11.2017/5P/12C

W.P. (MD) Nos.13606 to 13608 of 2017
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