



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.18063 of 2017

and

W.M.P (MD) No.14517 of 2017

Arasan Gas Solutions
Rep. by its Authorised Signatory
Mr.S.Saravanan
S/o.Dr.I.Subramanian,
119, West Perumal Maistry Street,
Madurai - 625 001.

... Petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Principal Secretary,
Public Works Department,
Secretariat,
Fort St.George,
Chennai.
2. The Superintending Engineer
Public Works Department,
Buildings (C&M) Circle (Medical Works)
Madurai.
3. The Executive Engineer
PWD Buildings (C & M) Division,
(Medical Works),
Madurai.
4. Mr.P.M.Ahamed
C/o. The Superintending Engineer,
Public Works Department,
Buildings (C&M) Circle (Medical Works)
Madurai.
5. Mr.L.M. Muthukumar
C/o. The Superintending Engineer,
Public Works Department,
Buildings (C&M) Circle (Medical Works)
Madurai.



6. M/s.Ganesh Constructions
Rep. by its Authorised Person
C/o. The Superintending Engineer,
Public Works Department,
Buildings (C&M) Circle (Medical Works)
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 06.09.2017 on the file of the second respondent and quash the same as illegal and consequently for a direction, directing the respondents to award the contract pertaining to Providing Medical Gas System in Super Speciality Hospital Building for Government Rajaji Hospital at Madurai in favour of the petitioner's company.

For Petitioner : Mr.T.Lajapathi Roy
For R1 : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

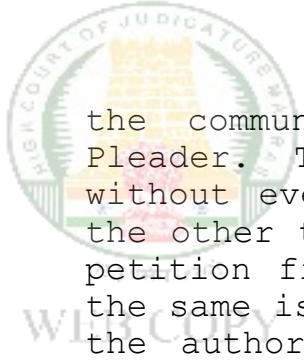
This writ petition has been filed, seeking to quash the impugned order dated 06.09.2017 issued by the second respondent. The petitioner also sought for a direction to the respondents to award the contract pertaining to Providing Medical Gas System in Super Speciality Hospital Building for Government Rajaji Hospital at Madurai in favour of the petitioner's company.

2. Heard the learned counsel appearing on either side.

3. According to the petitioner, he was running a company, by name, Arasan Gas Solutions Company and participated in several tenders pertaining to Gas pipe Lines and Oxygen Supplies in Several Districts in Tamil Nadu. The second respondent has invited tender dated 31.07.2017 and the last date for submission and opening of tender was fixed as 18.08.2017 and the same was subsequently postponed to 29.08.2017 without adhering to the Tamil Nadu Transparency in Tenders Rules, 2000 by the second respondent. In this regard, he approached the respondents and submitted a representation dated 26.08.2017, requesting the respondents to open the tender, but the same was not considered. Hence, he filed a writ petition in W.P(MD) No.16248 of 2017, seeking to open the Tender and the same was adjourned to 06.09.2017 and informed that the tender would be opened on 05.09.2017. In the mean time, the second respondent issued the impugned order dated 06.09.2017, by rejecting the tender and aggrieved thereby, the petitioner is before this Court with the aforesaid prayer.

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

4. It is seen that the writ petition has been filed against



the communication issued by the authorities to the Government Pleader. The petitioner has challenged the said communication without even obtaining a copy of the confirmation order issued to the other tenderers. Hence, this Court is of the view that the writ petition filed is not maintainable at the threshold and therefore, the same is dismissed, leaving it open to the petitioner to approach the authority for obtaining the copy of the tender confirmation order and thereafter, challenge the same, if so advised, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. State of Tamil Nadu
Rep. by its Principal Secretary,
Public Works Department,
Secretariat,
Fort St.George,
Chennai.
2. The Superintending Engineer
Public Works Department,
Buildings (C&M) Circle (Medical Works)
Madurai.
3. The Executive Engineer
PWD Buildings (C & M) Division,
(Medical Works),
Madurai.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 82075
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 82130

RM
TE/KP/SAR-II : 25/10/2017 : 3P/6C

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09.10.2017