

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.01.2018

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.2019 of 2017 and WMP No.2536 and 2537 of 2018

Udhayam Constructions
Represented by its Manager,
No.11, Sattaiyappar Sannathi,
Nagapattinam 611 001.

... Petitioner

Versus

1. Principal Secretary/Commissioner,
Rural Development and Panchayat Raj,
Fort St. George, Chennai - 600 009
2. The District Collector,
Nagapattinam District,
Nagapattinam.
3. The Project Director,
District Rural Development Agency,
Nagapattinam.
4. The Executive Engineer,
District Rural Development Agency,
Nagapattinam 611 001

.... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the third respondent from in any manner rejecting the tender of the application of the petitioner in respect of tender notification No.TNRRIS/3050/C4/2017 dated 09.01.2018 for non production of the certificate by the fourth respondent and consequentially directing the fourth respondent herein to verify the documents relating to the tools and equipment and issue certificate as required under clause 7 of Tender notification so as to enable the third respondent to process the tender of the petitioner.

For Petitioner : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates
For Respondents : Mr.R.Govindasamy,
Special Government Pleader

ORDER

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents and by consent, the writ petition is taken up for final disposal.

2. The petitioner seeks for a Mandamus directing the respondents not to reject the tender of the petitioner in respect of Tender notification No.TNRRIS/3050/C4/2017 dated 09.01.2018 for non-production of the certificate by the 4th respondent and consequently for a direction to the 4th respondent to verify the documents relating to tools and equipments and issue certificate as required under Clause 7 of Tender notification, so as to enable the 3rd respondent to process the Tender of the petitioner.

3. Heard both sides.

4. It is seen that in pursuant to the Tender notification issued by the respondents, the petitioner has submitted its Tender in respect of the subject matter of work. However, the petitioner, while submitting the Tender form was not in a position to enclose a certificate to be issued by the 4th respondent with regard to the availability of construction equipments, tools and plants at the hands of the petitioner. The reason for not enclosing the said certificate is stated as non-availability of the 4th respondent on 21.01.2018, when the petitioner had gone to the office of the 4th respondent for getting such certificate. Therefore, it is stated that the petitioner has once again requested the 4th respondent through his letter dated 25.01.2018, seeking for issuance of the said certificates and it is stated that the said request has not yet been considered. As the last date for receipt of the Tender falls on 02.02.2018 and by apprehending that the tender of the petitioner will be rejected for non production of the said certificate, the petitioner has approached this Court and filed the present writ petition.

5. When the matter was taken up in the morning for admission, the learned Government Pleader took a short time to get instructions from the 4th respondent. Accordingly, the matter is taken up in the afternoon for further hearing.

6. The learned Government Pleader, based on instructions submitted that the 4th respondent will inspect and verify the availability of tools, equipments and plants at the hands of the petitioner and issue the necessary certificates, if the same are in order.

7. It is further stated by the learned Government Pleader that such exercise will be done by the 4th respondent by tomorrow (i.e., 01.02.2018) itself. Therefore, he contended that

the petitioner cannot have any grievance, as they can get such certificate and produce the same before the concerned authorities to be considered along with the Tender already submitted. Since the 4th respondent has come forward to consider the grievance of the petitioner and issue the necessary certificate after due verification, this writ petition stands disposed of, by directing the 4th respondent to inspect and verify the availability of tools, equipments and plants at the hands of the petitioner and thereafter, issue the necessary certificate regarding the availability of tools, equipments and plants at the hands of the petitioner, if the same are in order. Such exercise shall be done by the 4th respondent by tomorrow (i.e., 01.02.2018) itself. The learned Government Pleader is fair enough to state that he has also instructed the 4th respondent to do the needful, without awaiting for a copy of this order. The said submission is recorded with the appreciation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

sk/rka

To

1. Principal Secretary/Commissioner,
Rural Development and Panchayat Raj,
Fort St. George, Chennai - 600 009

2. The District Collector,
Nagapattinam District, Nagapattinam.

3. The Project Director,
District Rural Development Agency,
Nagapattinam.

4. The Executive Engineer,
District Rural Development Agency,
Nagapattinam 611 001

+1cc to Mr.K.M.Vijayan Associates, Advocate SR.No.7114

+1cc to Government Pleader SR.No.7417(06/02/2018)

W.P.No.2019 of 2018

NRI (CO)
GN(31/01/2018)