

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	02/04/2018
Delivered on	09/08/2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.3415 of 2018 &

W.M.P.No.4186 of 2018

S.M.Selvam

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 600 009.

2.The Project Director,
District Rural Agency,
Dharmapuri. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to appoint an expert committee or any other competent committee to monitor the tender process in pursuance of the tender notification dated 18.01.2018 in ROC.No.2273/2017/R2 invitation for bids under the Tamil Nadu Rural Road Improvement Scheme 2017 - 2018 issued by the second respondent by examining the irregularities and to take necessary action on the same and to proceed to issuance of tender afresh forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.STS.Murthy, Additional Advocate General
Assisted by Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing the first respondent to appoint an Expert Committee or any other competent authority to monitor the tender process in pursuance of the tender notification dated 18.01.2018.

2. The petitioner would claim that he is a Class-I Contractor with the second respondent and he had been doing various contract works in a reputed manner. The second

respondent invited tenders for strengthening of the roads in Dharmapuri District. The notification was issued on 18.01.2018 fixing submission of tender documents online on 02.02.2018 till 15.00 hours. As per the schedule, the technical bid shall be opened on 02.02.2018 at 16.00 hours. However, in the meanwhile, the second respondent revised the schedule extending submission of tender to 06.02.2018 till 15.00 hours and opening of the tender at 16.00 hours on the same day. By issuing another Corrigendum, the second respondent extended time till 07.02.2018 for submitting tender applications at 11.00 am and the time was modified to 3.00 p.m. on 07.02.2018.

3. The allegation of the petitioner is that without the proper authorization, Corrigendum had been issued in violation of the Tender Transparency Rules and Tamil Nadu Transparency in Tenders Act, 1998 for the purpose to facilitate their known tenderers to submit their tender applications.

4. The second respondent has filed a counter denying the allegations made by the petitioner and also submitted that the dates were modified due to administrative reasons and immediately e-mail communications were sent intimating change of schedule to all the bidders. Clause 14.2 of the Technical Bid enables the second respondent to extend the deadline and Clause 16.1 provides procedure for amending the bidding documents by way of issuing an online Corrigendum. It is further submitted that the petitioner himself has submitted his bid only after the initial deadline i.e., on 04.02.2018.

5. The petitioner has filed a rejoinder contending that the second respondent has not given valuable reason for issuing Corrigendum.

6. Heard Mr.C.Prabakaran, learned counsel for the petitioner; Mr.STS.Murthy, learned Additional Advocate General, Assisted by Mr.V.Shanmugasundar, learned Special Government Pleader for the respondents and perused the materials available on record.

7. In the instant case, the petitioner came up with the Writ Petition, when the technical bid was under consideration. The main grievance of the petitioner is that the second respondent has changed the schedule frequently to enable the known tenderers to submit their tender applications. As rightly pointed by the learned Additional Advocate General, as per the notification, the second respondent should have opened the technical bid on 02.02.2018, but the date was extended on 06.02.2018. During the extended period, the petitioner submitted tender documents on 04.02.2018. In the counter, it is specifically stated due to only administrative reasons, the time

was extended, which is permissible under the provisions of the Notification.

8. The perusal of the notification reveals that the second respondent has an authority to extend the deadline for submitting the bid documents as per Clause 14.2 and Clause 16.1 enables the second respondent to issue online Corrigendum. Hence, the contention of the petitioner that the Corrigendum was not authorised by the second respondent has no substance. In the considered opinion of this Court, the allegations of the petitioner has not been substantiated by producing relevant materials and the petitioner has not made out any case for appointing an Expert Committee as sought for in the Writ Petition.

9. In such view of the matter, the writ Petition fails and the same is dismissed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Secretary to Government,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 600 009.

2.The Project Director,
District Rural Development Agency,
Dharmapuri.

+lcc to M/s.C.Prabakaran, Advocate SR.NO.54863

RSI(CO)
sm:28.8.2018

W.P.No.3415 of 2018 &
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