

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.03.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.32459 of 2017

and

WMP No.35759 of 2017

M/s.Hero Ecotech Ltd.,
Rep. by its Authorised Signatory,
Phase VIII, Focal Point,
Mangil, Chandigarh Road,
Ludhiana 141 010. ... Petitioner

vs

- 1.The Commissioner of Backward Classes Welfare,
Ezhilagam Annexe Building II Floor,
Chepauk,
Chennai 600 005.
- 2.The Secretary to Government of Tamilnadu,
Backward Classes, Most Backward Classes and
Minorities Welfare Department Secretariat,
Chennai 600 009. ... Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to forbear the respondents from finalizing the tender No.2/2017 website dated 15.10.2017, issued by the first respondent, consequently forbearing the first respondent or any person acting on its behalf from issuing the final acceptance of the tender, calling for negotiations, issuance of letter of acceptance, purchase orders, execution of agreement as has contained in the tender Document bearing No.2/2017.

For petitioner : Mrs.V.Pushpa
For Respondents : Mr.Vijay Narayan for R1 and R2
Advocate General
Assisted by Mr.R.Govindasamy
Special Government Pleader

O R D E R

This writ petition is filed for a mandamus forbearing the respondents from finalizing the tender No.2/2017 website dated 15.10.2017, issued by the first respondent and consequently forbearing the first respondent or any person acting on its behalf from issuing the final acceptance of the tender, calling for negotiations, issuance of letter of acceptance, purchase orders, execution of agreement.

2.The very same petitioner has filed another writ petition subsequently in W.P.No.1123 of 2018, challenging the order dated 12.01.2018, rejecting the technical bid of the petitioner's tender.

3. It is represented by the learned Advocate General appearing for the respondents that in view of the order passed on 12.01.2018, rejecting the petitioner's tender which is put to challenge in W.P.No.1123 of 2018, the prayer in this writ petition does not survive any more and therefore, this writ petition can be disposed of, as the interest of both parties are to be agitated in W.P.No.1123 of 2018.

4.Learned counsel for the petitioner also fairly submitted that since the petitioner has subsequently filed W.P.No.1123 of 2018, challenging the rejection order as stated supra, this writ petition may be closed without expressing any view on the merits of the matter.

5.Considering the above stated facts and circumstances, without expressing any view on the merits of the claim made by the petitioner, this writ petition is closed, by granting liberty to the parties to agitate their respective rights in W.P.No.1123 of 2018. No costs. The connected miscellaneous petition is also closed.

Vri

Sd/-
Assistant Registrar
/TRUE COPY/
Sub-Assistant Registrar

To

1.The Commissioner of Backward Classes Welfare,
Ezhilagam Annexe Building II Floor,
Chepauk,
Chennai 600 005.

2.The Secretary to Government of Tamilnadu,
Backward Classes, Most Backward Classes and
Minorities Welfare Department Secretariat,
Chennai 600 009.

+1CC to Government Pleader in SR.NO. 18852

W.P.No.32459 of 2017

KAN [CO]
MLT-26/03/2018