

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.33187 of 2017
and WMP.No.36602 of 2017

M.Vediappan

...Petitioner

Vs.

1. The Assistant Director of Town Panchayats,
Dharmapuri Region,
Collector Office Backside,
Dharmapuri.
 2. The Assistant Executive Engineer,
Town Panchayat Section,
Dharmapuri Region,
Collector Office Backside,
Dharmapuri.
 3. The Executive Officer,
Pappireddipatti Selection Grade Town Panchayat,
Pappireddipatti,
Dharmapuri District.
 4. M.Kumaresan
- ...Respondents

[R4 impleaded as per the order of this Court dated 29.06.2018
in W.M.P.No.10797 of 2018 in W.P.No.33187 of 2017]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbear the respondents from issuing work order in pursuant to the tender notification in Na.Ka.No.172/2017/A1, dated 07.11.2017 without opening the tender of the petitioner in his presence.

For Petitioners : Mr.V.Elangovan

For Respondents : Mr.V.Shanmuga Sundar, Spl.G.P., for RR1 & 2
Mrs.M.E.Rani Selvam, AGP, for R3

ORDER

Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Additional Government Pleader appearing for the 3rd respondent.

2. This writ petition has been filed for issuance of a writ of mandamus to forbear the respondents from issuing work order in pursuant to the tender notification in Na.Ka.No.172/2017/A1, dated 07.11.2017 without opening the tender of the petitioner in his presence.

3. The case of the petitioner is that he is a Class-I Contractor in Tamil Nadu. Pursuant to the tender notice issued by the third respondent, dated 07.11.2017, he participated in the tender process. As per the notification, the technical bid has to be opened on 12.12.2017 at 3.30 pm, but it was not opened, as per the schedule. Hence he made a representation to the respondent on 12.12.2017 requesting them to inform the date and time of opening of the tender. Since there was no response, the present writ petition.

4. The learned counsel for the third respondent submitted that as per the notification, technical bid of the tenderers were opened on 12.12.2017 and the tender document of the petitioner was rejected and it was also informed to the petitioner on 14.12.2017. The petitioner has an appeal remedy under the Tamil Nadu Tender Transparency in Tenders Act, hence the present writ petition is not maintainable.

5. The learned counsel for the petitioner submitted that as per Section 8 of the Act, the technical bid has to be opened in the presence of the petitioner and under Section 11 of the Act, the petitioner has an opportunity to file an appeal within a period of 10 day from the date of rejection of the tender, but in the instant case, no rejection order has been received by the petitioner and it is now handed over to the counsel for the petitioner.

6. Taking note of the above facts and submissions of the learned counsels on either side, I do not find any merit in this writ petition. Accordingly, this writ petition is dismissed. However, the petitioner is given liberty to file an appeal

before the appellate authority on or before 09.07.2018 and in compliance of the conditions, the appeal shall be disposed of on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Assistant Director of Town Panchayats,
Dharmapuri Region,
Collector Office Backside,
Dharmapuri.
2. The Assistant Executive Engineer,
Town Panchayat Section,
Dharmapuri Region,
Collector Office Backside,
Dharmapuri.
3. The Executive Officer,
Pappireddipatti Selection Grade Town Panchayat,
Pappireddipatti,
Dharmapuri District.

+1cc to Mr.V.Elangovan, Advocate sr.no.41816
+1cc to Government Pleader in sr.no.42296

सत्यमेव जयते

WP.No.33187 of 2017

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nr 03/07/2018

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