

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12..09..2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.23495 of 2018

U.P.Rammaiah

... Petitioner

-Versus-

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600003.

2.The Principal Chief Engineer,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600003.

3.The Superintending Engineer,
Bus Routes Road Department,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600003.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the 3rd respondent (i) to issue the machinery certificate to the petitioner considering his application dated 31.08.2018 and received by the 3rd respondent on 03.09.2018, (ii) to receive the original instrument of Bank Guarantee for EMD dated 05.09.2018 drawn on Indian Bank issued in favour of the petitioner; and (iii) directing the respondents to enable the petitioner to participate in the said Tender process in a free, fair and transparent manner.

For Petitioner	: Mr.V.Karthic, Senior Counsel for Mr.J.Hariharan for M/s.KV Law Firm
For Respondents	: Mr.V.C.Selvasekaran, Standing Counsel for R1 to R3

ORDER

This writ petition has been filed seeking a direction to the 3rd respondent to issue machinery certificate to the petitioner and to receive the original instrument of Bank Guarantee for EMD and also for a direction to the respondents to enable the petitioner to participate in the said tender process in a free, fair and transparent manner.

2. The grievance of the petitioner is that he is willing to participate in the tender called for by the respondent corporation wherein one of the essential qualifications requires is that the petitioner has to produce the machinery certificate obtained from the respondent corporation and the 3rd respondent refused to issue such a certificate. Hence, this writ petition.

3. On 07.09.2018, notice was ordered to the respondents. Today, when the matter came up for hearing, the respondents filed a report stating that already, the 3rd respondent has already issued equipment certificate to the petitioner by letter dated 06.09.2018 and insofar as reception of original instrument of bank guarantee is concerned, the same will be accepted at the time of submission of tender documents.

4. Since the main grievance of the petitioner has already been addressed by the respondents pending writ petition, nothing survives in this writ petition for further adjudication.

5. The learned senior counsel appearing for the petitioner, however, while acknowledging the receipt of the equipment certificate prayed this court that the petitioner may be permitted to participate in the tender process and to submit tender application along with the original instrument of bank guarantee for Earnest Money Deposit.

6. At this juncture, the learned counsel for the respondents, on instructions submitted that the respondents will accept the original instrument of bank guarantee at the time of filing the tender documents.

7. Recording the report submitted by the respondents and the submissions made by the learned counsel for the respondents, this writ petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600003.
- 2.The Principal Chief Engineer,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600003.
- 3.The Superintending Engineer,
Bus Routes Road Department,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600003.

+2cc to Mr.K.V.Law Firm, Advocate Sr.63523

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srg 14/09/2018