

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2018

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. Nos.22799, 22800,22801 of 2018 and
W.M.P.Nos.26636,26637,26638,26639,26640,26641, 28654 and 28655
of 2018

PSA Mettur Fish Seed Sales Centre
Rep by its proprietor Mr. S.Prasanna Venkatesh,
Plot No. 2, 1st Street, Malrosa Puram,
Singaperumal Kovil,
Kanchipuram District. ... Petitioner in all W.Ps

Vs

- 1.The State of Tamil Nadu rep by
Secretary to Government,
Animal Husbandry and Fisheries (FSIV) Department,
Fort, St.George,
Chennai - 9.
- 2.The Project Director,
IAMWARM Project,
Chepauk.
- 3.The Director,
Directorate of Fisheries Department,
Integrated building of Animal Husbandry
and Fisheries Department,
Nandanam,
Chennai - 35.
- 4.The Deputy Director of Fisheries,
Directorate of Fisheries,
Nandanam, Chennai - 35.
- 5.The Assistant Director of Fisheries,
Kanchipuram District @ Neelangarai,
2/601 A, ECR Road,
Neelangarai,
Chennai.
- 6.The Assistant Director of Fisheries,
Opp to CAS in Marine Biology,
Parangi pettai,
Cuddalore District. ... Respondents in W.P.No.22799 of 2018

- 1.The State of Tamil Nadu rep by
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Chennai - 9.
- 2.The Project Director,
IAMWARM Project,
Chepauk.
- 3.The Director,
Directorate of Fisheries Department,
Integrated building of Animal Husbandry and Fisheries
Department,
Nandanam,
Chennai - 35.
- 4.The Deputy Director of Fisheries,
Directorate of Fisheries,
Nandanam, Chennai - 35.
- 5.The Assistant Director of Fisheries,
24-25 Co operative Colony,
4th Cross, Krishnagiri District.
- 6.The Assistant Director of Fisheries,
Additional Collectorate Complex,
Tiruvarur District.
- 7.The Assistant Director of Fisheries,
Ramanathapuram (North),
Integrated Fisheries Complex,
District Collectorate,
Ramanathapuram. ... Respondents in W.P.No.22800 of 2018

- 1.The State of Tamil Nadu rep by
Secretary to Government,
Animal Husbandry and Fisheries (FSIV) Department,
Fort, St.George,
Chennai - 9.
- 2.The Project Director,
IAMWARM Project,
Chepauk.
- 3.The Director,
Directorate of Fisheries Department,
Integrated building of Animal Husbandry
and Fisheries Department,
Nandanam, Chennai - 35.

4.The Deputy Director of Fisheries,
Directorate of Fisheries,
Nandanam, Chennai - 35.

5.The Assistant Director of Fisheries,
C-42,26th Cross Street,
Maharaja Nagar,
Tirunelveli District.

6.The Assistant Director of Fisheries,
Pechiamman Padithuirai Road,
Near Simmakkal,
Madurai District.

... Respondents in W.P.No.22801 of 2018

PRAYER in all W.Ps : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified mandamus to call for the records pertaining to the tender/invitation for quotation for supply of fish seed issued by the 5th, 6th and 7th respondents respectively (issued through Online) and quash the same and consequently direct the first and second Respondents to issue fresh Invitation/Quotation conditions for the supply of Fish Seed for Fish Culture in long/short seasonal irrigation tanks situated in various districts of Tamil Nadu.

For Petitioner : Mrs.Selvi George

For Respondents : Mr.S.R.Rajagopal, AAG, assisted by
Mr.V.Jayaprakash Narayanan
Special Government Pleader

C O M M O N O R D E R

The petitioner has come up with these writ petitions to challenge the tender/invitation for quotation for supply of fish seed issued by the respondents 5, 6 and 7 respectively (issued through Online) and quash the same and for consequential relief.

2. The facts of the case are as follows:-

(i) The petitioner is a proprietary firm, involved in supply of fish seeds under National Agriculture Development Program (NADP) and they are supplying the fish seeds to all major Dams and Reservoirs. The Government calls for tender/public auction to give the leasehold rights as per the Tamil Nadu Tender Transparency Act. The Fisheries Department also following the said Act for calling tenders for the supply of Fish Seeds etc.

(ii) The Government of Tamil Nadu has approached the World Bank for financial assistance in connection with fish farming and the World Bank in turn sanctioned Rs.17.30 Crores for Fisheries Department. Pursuant to the same, the first respondent planned to procure Fish seeds in seasonal irrigation tanks situated in various Districts throughout Tamil Nadu, for which, the first and second respondents have directed the District Level Officers to go for procurement of Fish seeds. Based on the above instructions, the fifth and sixth respondents invited quotations for supply of Fish seeds, but without following the Transparency in Tender Act, which is impugned in the present writ petition.

3. Though many grounds have been raised in these writ petitions, in particular, according to the learned counsel for the petitioner, there must be Transparency in the tender conditions or invitation for bids called by the Government and it should always be in terms of the Transparency in Tender Act. According to her, the present action of the respondents gives a total go by to the Tender Transparency Act. The learned counsel further submitted that similar quotations are called for more than one District at a time and therefore, either they should have centralized the place for the submission and opening of the quotations or they should have fixed different dates by giving sufficient time for the participants. But, nothing has been followed by the respondents. Therefore, the learned counsel for the petitioner prays this Court by these writ petitions, appropriate directions.

4. Today, when the writ petitions are taken up for consideration, relying upon the averments made in the counter affidavit filed by the third respondent, particularly in paragraph Nos.21 and 23, the learned Additional Advocate General appearing for the respondents submitted that the respondents have complied with all the norms and guidelines prescribed by the World Bank with regard to the issue involved herein and also the respondents are following the norms required relating to the firms. For better appreciation, paragraph Nos.21 and 23 of the counter affidavit, is extracted below:-

"21. It is submitted that the averments made by the petitioner in para 9 of the affidavit is not true and not maintainable in law. The procurement of seeds following RFQ procedure will be done from firms dealing with supply of seeds and the Fisheries Department will ascertain the quality of seeds during supply and if the seeds are not supplied as per specification the Nodal Officer has every right to reject the seeds and also to cancel the supply order. The same was mentioned in the supply order form enclosed with the RFQ format which was also uploaded in the Tamil Nadu Tender web portal.

23. It is submitted that the Department of Fisheries have adopted the World Bank approved procedures for procurement of various goods and execution of works under TN-IAM Project. The Department is also strictly following the procurement procedures laid down by the Government as well as by the World Bank for timely and successful implementation of the scheme."

5. In view of the above, recording the above submission made by the learned Additional Advocate General and the averments made in the counter affidavit filed by the third respondent, which are agreeable to the petitioner, these writ petitions stand disposed of, leaving it open to the respondents to proceed further for procurement as per the World Bank guidelines. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

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Near Simmakal,
Madurai District.

+3 cc to Mrs.Selvi George, Advocate Sr.No.67948
+1 cc to The Government Pleader Sr.No.68149

W.P.Nos.22799, 22800, 22801 of 2018

CSL/16.10.2018

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