

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.6.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2774 of 2018 and W.M.P.No.3422 of 2018

1 R. Ramadas
S/o. R. Ramanujan,
No.306-A Type-II Quarters,
Block-5 Neyveli 607 803 ... PETITIONER

Vs.

1 The Chairman & Managing Director,
Neyveli Lignite Corporation Ltd.
Neyveli

2 The Director mines,
Corporate office NLC India Ltd. ,
Neyveli 607 801.

3 The Executive Director
NLC India Ltd. Block 26,
Neyveli 607 803

4 The General Manager/
Technical Field Administrative office,
NLC India Ltd., Block 26,
Neyveli 607 803

5 MSTC Limited
Government of India Company,
69 Armenian Street, Mannady,
George Town, Chennai. ...

RESPONDENTS

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1-4 to conduct a Re E-Reverse auction for the Tender No.GM-T/MIA/BMC/PROD/PTE/A025/17-19 based on the petitioner representation dated 31.01.2018 and consequently direct the Respondents to provide rectification remedies in the upcoming E-Reverse Auction process for the tenders.

For Petitioner : Mr.M.Vijay Anand
For Respondents 1 to 4 : Mr.N.Nithianandan,
Standing counsel
For Respondent No.5 : Mr.C.Vijayakumar

O R D E R

This writ petition has been filed seeking mandamus, directing the respondents 1-4 to conduct a Re E-Reverse auction for the Tender No.GM-T/MIA/BMC/PROD/PTE/A025/17-19 based on the petitioner representation dated 31.01.2018 and consequently direct the Respondents to provide rectification remedies in the upcoming E-Reverse Auction process for the tenders.

2 Considering the submission made by the counsel appearing for the petitioner, this Court passed the interim order, dated 8.2.2018 as under:

"Issue notice to the respondents returnable in two weeks. Private notice is also permitted.

2. The learned counsel for the petitioner submitted that at the time of participating in the E-reverse auction and making entries in the process of such auction, the petitioner inadvertently by mistake, typed Rs.9,60,16,709/- as the bid amount instead of Rs.9,90,16,709/- in the bidding box. He further submitted that in any event the petitioner being the L1 even as of now, the said mistake can be permitted to be rectified by conducting re-reverse auction, since the very tender amount quoted in respect of the work itself is having the value of Rs.9,82,59,586/-. Therefore, he submitted that the respondents may be directed to consider the request of the petitioner for conducting re-reverse auction. He further submitted by conducting such re-reverse auction, nobody's interest will be prejudiced, as there is no other bidder, except the petitioner.

3. Considering the above stated facts and circumstances, the respondents are directed to maintain status quo as on today for a period of two weeks.

4. Post the matter after two weeks."

2 Counter affidavit has been filed by the respondents 1 to 4. When the matter was taken up, the learned Standing counsel appearing for the respondents 1 to 4 fairly submitted that at the time of participating in the E-reverse auction while making entries in the auction proceedings, the petitioner having committed mistake inadvertently typed Rs.9,60,16,709/- as a bid amount instead of Rs.9,90,16,709/- in the bidding box. Therefore, the petitioner has to bear the expense of Rs.17,700/- for each bid.

3 The learned counsel appearing for the petitioner submitted that since there is no any rectification method provided, the claim made by the respondents asking the petitioner to meet the payment of Rs.17,700/- towards each bid, that should be payable to the 5th respondent is untenable. Over rulling this objection, the petitioner is directed to pay Rs.17,700/- to each bid.

4 In view of the submission made by the learned Standing counsel appearing for the respondents 1 to 4, the writ petition is disposed of with a direction to the respondents to provide rectification remedy to the petitioner in the e-auction proceedings. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Chairman & Managing Director,
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Neyveli
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Neyveli 607 801.
- 3 The Executive Director
NLC India Ltd. Block 26,
Neyveli 607 803
- 4 The General Manager/
Technical Field Administrative office,
NLC India Ltd., Block 26, Neyveli 607 803

+1 cc to Mr.M.Vijay Anand Advocate sr 36708
+1 cc to Mr.N.Nithyanandam Advocate sr 36812
+1 cc to Mr.C.Vijayakumar Advocate sr 37076

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