

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2018

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.21330 of 2006 and

M.P.No.2 of 2006

P. Savida Devi

..Petitioner

Vs.

1. The Chairman and Managing Director,
Tamil Nadu Civil Supplies Corporation Limited,
12, Thambusamy Road,
Kilpauk, Chennai - 10.

2. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation Limited,
Cuddalore. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the second respondent relating to order dated 21.06.2006 made in B3/2441/2006 and to quash the same in the interest of justice and pass such further orders.

For Petitioner : Mr.E. Sampath Kumar

For Respondents : Mr.L.P. Shanmuga Sundaram
Standing Counsel for TNCSC

O R D E R

The petitioner has filed this writ petition challenging the impugned order passed by the second respondent in Ref.No.B3/2441/06, dated 21.06.2006. The petitioner was directed to remit the extra expenditure incurred by Tamil Nadu Civil Supplies Corporation Ltd., viz., Rs.8,06,905/- upto 10.06.2006 and also the expenditure to be incurred till 30.06.2006 and damage stock value Rs.77,953/- within three days from the date of receipt of the notice.

2. The case of the petitioner is that the petitioner is the transport contractor in the said Corporation and carried out the said work for the past several years. The petitioner is a successful contractor with unblemished records with the 2nd Respondent Department. Accordingly, the Regional Manager has issued conduct certificate on 11.04.2006.

3. While being so, on 05.04.2006 a Tender Notification was issued for both FCI and non FCI contract. The petitioner purchased the tender forms for both FCI and non FCI contract. After fulfilling all the formalities as per the Tender Transparency Act, submitted the tenders but the same were not considered by the respondents and the same was rejected on 15.06.2006. Thereafter, by its order dated 21.06.2006 in Reference No.B3/2441/2006 Notice of Termination was issued and directed the petitioner to comply within three days. Aggrieved by the same, the present writ petition is filed.

3. Mr.E.Sampath Kumar, the learned counsel appearing for the petitioner has drawn the attention of this Court to the tender conditions more particularly, tender condition No.8 the relevant portion of which reads as follows:

"The Tamil Nadu Civil Supplies Corporation Limited reserves right to terminate the contract and black list the tenderer on reasonable cause after giving Fifteen days notice to the contractor."

In the present case, only three days notice was given, contrary to the above said tender condition.

4. Mr.L.P. Shanmuga Sundaram, learned Standing Counsel appearing for Tamil Nadu Civil Supplies Corporation Ltd., (in short 'TNCSC') respondents after perusal of condition No.8 fairly conceded that instead of 15 days, the Authority issued only three days notice, which is unsustainable one.

5. In view of the above, this Court deems it fit to remand the matter back to the Authority for fresh consideration.

6. Hence, the impugned order passed by the second respondent in Ref.No.B3/2441/06, dated 21.06.2006 is set aside and the matter is remanded back to the Authority for fresh consideration, after following due process of law.

7. With the above terms, the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

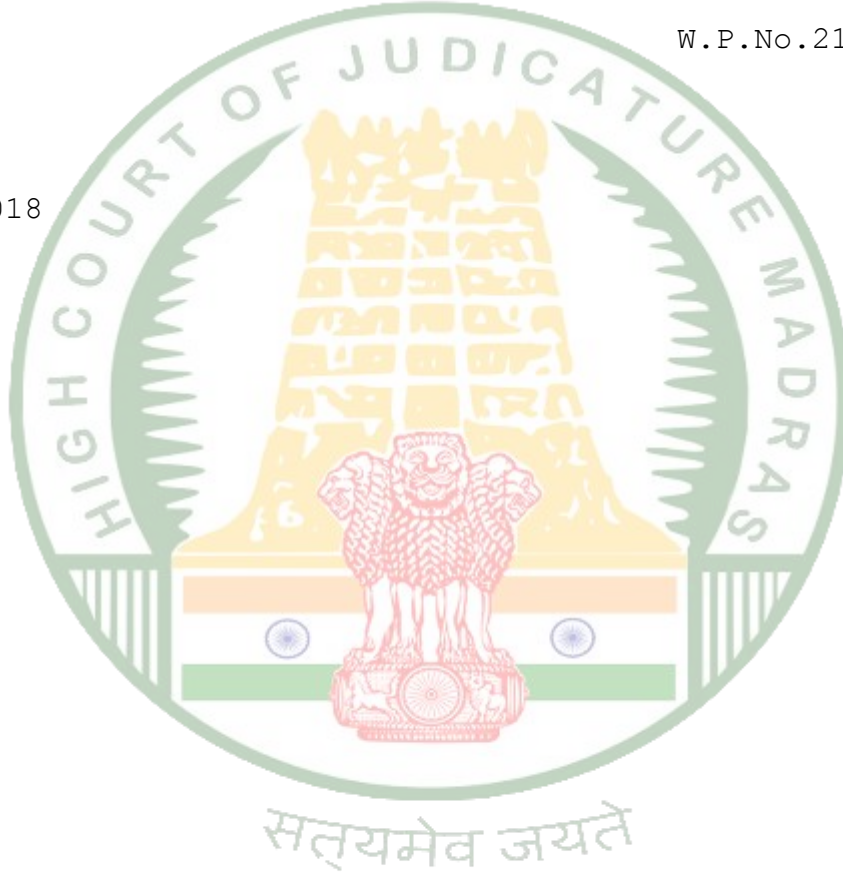
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To:

1. The Chairman and Managing Director,
Tamil Nadu Civil Supplies Corporation Limited,
12, Thambusamy Road,
Kilpauk, Chennai - 10.
2. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation Limited,
Cuddalore.

W.P.No.21330 of 2006

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