



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P (MD) No.2705 of 2018

and

W.M.P (MD) Nos.2880, 2881 and 10463 of 2018

M/s.Dharani Hi-Tech Projects Pvt. Ltd.,
rep. by its Authorized Representative,
S.Veera Sekar,
No.3/25, Thatchamalli,
Vilanoor Post, Avudaiyar Koil Taluk,
Pudukottai - 614 618.

: Petitioner

Vs.

1. The District Collector/Chairman,
DRDA, Pudukottai,
Pudukottai District.

2. The Project Director,
DRDA, Pudukottai,
Pudukottai District.

3. The Executive Engineer,
DRDA, Pudukottai,
Pudukottai District.

4. The Account Officer,
DRDA, Pudukottai,
Pudukottai District.

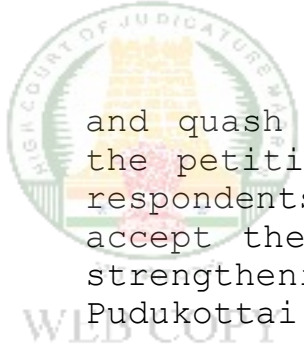
5.M.Surulirajan

6.M.Murugesan

7.A.G.Sethuraman

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned NABARD XXIII-2017-18 report based on online (E-tender website) Evaluation report (Package No.12) Pudukottai Block, issued by the respondents to it dated 05.02.2018 and the impugned tender summary report issued by the first respondent in his proceedings dated 07.02.2018



and quash the same in respect of rejecting the technical bid of the petitioner and accepting the technical bid of the 5th and 6th respondents and consequently directing the respondents 1 and 2 to accept the technical bid of the petitioner for the work namely, strengthening the road from Pudukottai Block in Package No.12 of Pudukottai District under NABARD RIDF - XXIII (2017-18) Tranche.

For Petitioner : Mr.B.Saravanan

For Respondents : Mr.K.Chellapandian,
1 to 4 Additional Advocate General
assisted by Mr.VR.Shanmuganathan,
Special Government Pleader.

For Respondents 5 & 6 : Mr.S.Balamurugan

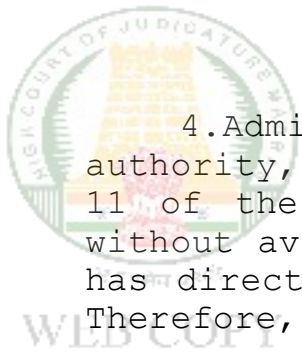
For Respondent No.7 : No appearance

O R D E R

Heard the learned counsel appearing for the petitioner, the learned Additional Advocate General appearing for the respondents 1 to 4 as well as the learned counsel appearing for the respondents 5 and 6.

2.The petitioner has come up with the present writ petition for a writ of certiorarified mandamus praying to call for records relating to the impugned NABARD XXIII-2017-18 report based on online (E-tender website) Evaluation report (Package No.12) Pudukottai Block, issued by the respondents 1 to 4 dated 05.02.2018 and the impugned tender summary report issued by the first respondent in his proceedings dated 07.02.2018 and quash the same in respect of rejecting the technical bid of the petitioner and accepting the technical bid of the 5th and 6th respondents and consequently direct the respondents 1 and 2 to accept the technical bid of the petitioner for the work namely, strengthening the road from Pudukottai Block in Package No.12 of Pudukottai District under NABARD RIDF - XXIII (2017-18) Tranche.

3.The learned Additional Advocate General appearing for the respondents would submit that against the order impugned in the writ petition, the petitioner is having an appeal remedy under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998, but without availing the same, the petitioner has directly approached this Court by filing this writ petition and the petitioner has already filed seven more writ petitions and same were dismissed by this Court, vide order, dated 28.02.2018, made in W.P(MD)Nos.4125 to 4131 of 2018 and therefore, this writ petition is also liable to be dismissed.



4. Admittedly, against the order passed by the tendering authority, the petitioner is having an appeal remedy under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998. But, without availing the above said alternative remedy, the petitioner has directly approached this Court and filed this writ petition. Therefore, the present writ petition is not at all maintainable.

5. In the result, the writ petition is dismissed. No costs. However, it is always open to the petitioner to work out his remedy in the manner known to law. Consequently, connected miscellaneous petitions are dismissed.

6. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner seeks time to file an appeal under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998. Considering the said submission made on the side of the petitioner, the petitioner is given liberty to file an appeal under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998 within a period of two weeks from today.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector/Chairman,
DRDA, Pudukottai, Pudukottai District.
2. The Project Director,
DRDA, Pudukottai, Pudukottai District.
3. The Executive Engineer,
DRDA, Pudukottai, Pudukottai District.
4. The Account Officer,
DRDA, Pudukottai, Pudukottai District.

+ 1 cc TO Mr. B. Saravanan, Advocate in SR No. 66409

+ 1 cc TO The Special Government Pleader in SR No. 66597

smn/cp

AE/SV MMS/SAR1/08.06.2018/3P/7C

ORDER MADE IN
W.P (MD) No. 2705 of 2018
and
W.M.P (MD) Nos. 2880, 2881 and 10463 of 2018
31.05.2018