



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.3 of 2018
and
W.M.P.(MD) No.4 of 2018

V.Kathiresan ...Petitioner

Vs.

1.The Secretary to Government,
Highways and River Ports Department,
Fort, St. George, Chennai - 9.

2.The Chief Engineer,
National Highways Department,
Guindy, Chennai.

3.The Superintending Engineer,
National Highways Circle,
D.No.5, Besant Road,
Chinna Chokkikulam,
Madurai - 625 002.

...Respondents

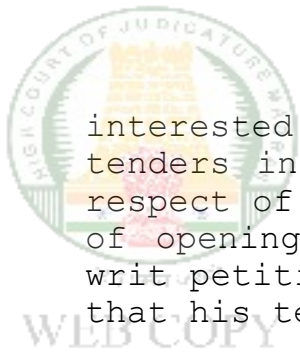
PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to permit the petitioner to participate in the tender notification issued by the third respondent vide Tender Notice No.33/2017/DO dated 20.11.2017 by opening the tender of the petitioner and to consider the bid as in the light of the tender documents furnished by the petitioner on 29.12.2017 or on the future dates fixed by the respondent consequently directing the respondents to consider the bid of the petitioner in the light of the application given by the petitioner dated 27.12.2017.

For Petitioner :Mr.Veera Kathiravan, senior counsel
for Veera Associates

For Respondents :Mr.S.Kumar
Additional Government Pleader.

O R D E R

The writ petitioner is a registered Class I Contractor. The third respondent who is the tender inviting authority issued notification dated 20.11.2017 for certain works. The tender notification included as many as 9 packages. The petitioner is



interested in taking part in respect of package No.1. Though the tenders in respect of other packages were opened on 29.12.2017, in respect of package No.1, there was no opening of the bids. The date of opening has been postponed to 04.01.2018 by 15.30 hours. The writ petitioner apprehends that he would be denied participation and that his tender would not be opened.

2.Mr.S.Kumar, learned Additional Government Pleader appearing for the respondents informed the Court that the writ petitioner would be permitted to participate in the tender process and that his tender documents would also be opened and considered in accordance with law and that in terms of the tender notification.

3.At this stage, the learned senior counsel appearing for the writ petitioner drew my attention to Section 8 of the Tamil Nadu Transparency in Tenders Act, 1988. The said provision states that the tender accepting authority shall open the tenders in the presence of the tenderers present and who have submitted tenders in such time and in such place as may be set out in the tender document.

4.In view of the said statutory mandate, the third respondent is directed to permit the writ petitioner be present in person when package No.1 is to be opened on 04.01.2018 by 15.30 hours.

5.The writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Highways and River Ports Department,
Fort, St. George, Chennai - 9.

2.The Chief Engineer,
National Highways Department,
Guindy, Chennai.

3.The Superintending Engineer,
National Highways Circle,
D.No.5, Besant Road,
Chinna Chokkikulam,
Madurai - 625 002.

+1cc to M/S.Special Government Pleader,SR. 40277

+1cc to M/S.VEERA ASSOCIATES,Advocate,SR.40134

W.P. (MD) No.3 of 2018
and

W.M.P. (MD) No.4 of 2018
03.01.2018