



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.08.2018
CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P.(MD)No.8360 of 2018
and
W.M.P.(MD) Nos.7922, 7923 of 2018

Technocrats Advisory Services Private Limited,
represented by its Authorized Signatory,
Saravana Kumar Ovureddy,
having its corporate office at
1492, Street No.5, Wazir Nagar,
Kotla Mubarakpur,
New Delhi.

.. Petitioner

Vs.

1.The Chief Engineer,
National Highways,
Guindy,
Chennai - 600 025.

2.The Regional Officer,
Ministry of Road Transport and Highways,
C-1-A, Rajaji Bhawan,
Besant Nagar,
Chennai - 600 009.

3.The Superintendent of Engineer,
National Highways,
Madurai Circle,
Door No.5, Besant Road,
Chinna Chokikulam,
Madurai - 2.

4.The Divisional Engineer,
National Highways - Madurai Division,
Door No.5, Besant Road,
Chinna Chokikulam,
Madurai - 2.

5.The Government of India,
represented by the Chief Engineer S & R (B) & (BD)
Ministry of Road Transport & Highways,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.

[R5 has been impleaded vide order
<https://hcservices.ecourts.gov.in/hcservices/>
dated 16.07.2018]

.. Respondents

5/700-21/0
of existin

For R3 and R4 : Mr.Pugalendhi
Additional Advocate General
assisted by Mrs.S.Srimathy
Special Government Pleader

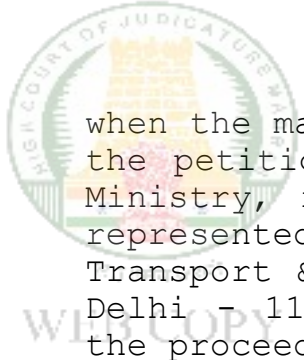
O R D E R

The petitioner has approached this Court on the basis of apprehension that at the time, when the tender notification calling for consultancy services, the company was not qualified to be considered, because the petitioner's company was not empanelled as per the list maintained by the fifth respondent / The Government of India, represented by the Chief Engineer S & R (B) & (BD) Ministry of Road Transport & Highways, Transport Bhawan, No.1, Parliament Street, New Delhi - 110 001. On the basis of apprehension, the writ petition being entertained and an interim order of injunction has been passed on 17.04.2018.

2. In view of the interim order of injunction passed in the month of April 2018, the entire highway project, which was envisaged by the tender notification has been stalled and no progress has been made as on date.

3.Today when the matter is taken up for disposal, Mr.K.K.Kannan, learned counsel for the petitioner, Mr.V.Kathirvelu, Additional Solicitor General assisted by Mr.S.Subbiah, appearing for the respondents 1, 2 and 5 and Mr.Pugalendhi, Additional Advocate General, assisted by Mrs.S.Srimathy, appearing for the respondents 3 and 4.

4. During the relevant point of time, when the tender notification was issued on 27.02.2018, the consultancy service was undergoing demerger process and applications have been filed before the Company Law Board as well as before the Hon'ble High Court of Delhi. Since the litigations were pending before the legal fora, there was some confusion as to the status of erstwhile company during the process of demerger. Subsequently, it appears that



when the matter has been settled in favour of the petitioner herein, the petitioner's company has now been admittedly empanelled by the Ministry, namely, the fifth respondent / The Government of India, represented by the Chief Engineer S & R (B) & (BD) Ministry of Road Transport & Highways, Transport Bhawan, No.1, Parliament Street, New Delhi - 110 001. The learned counsel for the petitioner produced the proceedings to that effect dated 08.08.2018.

5.The learned Additional Advocate General appearing for the respondents 3 and 4 would submit that the petitioner had not been earlier considered for acceptance of consultancy service, in view of the demerger process and that the writ petitioner was not empanelled as on the notification dated 27.02.2018. According to the learned Additional Advocate General as per Government of India letter dated 12.10.2017, in respect of centrally Sponsored Schemes tender shall be invited only as per the empanelled consultancy as per Clause 3 of the said communication of the Ministry.

6.However, by taking into consideration subsequent development that the petitioner's company has inherited the rights of the earlier demerged company and has been now empanelled and the tender process has not been completed yet, in view of the interim order passed by this Court, this Court passes the following direction:

The respondents 1 to 4 herein, since the disqualification, originally stood, has now been removed, are directed to consider the claim of the petitioner along with others and in case, the petitioner is found to be the successful bidder, necessary orders might be passed immediately in order to avoid any further delay in erection of the project, which is going to serve larger public interest. The respondents 1 to 4 are directed to take a decision in this regard within a period of two weeks from the date of receipt of a copy of this order.

7.Accordingly, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1.The Chief Engineer,
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Guindy,
Chennai - 600 025.



2.The Regional Officer,
Ministry of Road Transport and Highways,
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3.The Superintendent of Engineer,
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4.The Divisional Engineer,
National Highways - Madurai Division,
Door No.5, Besant Road,
Chinna Chokikulam,
Madurai - 2.

5. The Chief Engineer S & R (B) & (BD)
The Government of India,
Ministry of Road Transport & Highways,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.

+1CC TO MR.K.K.KANNAN ADVOCATE IN SR.No.78151.
+2CCs TO MR.P.SUBBIAH, C.G.C IN SR.No.78360.
+1CC TO M/s.S.SRIMATHY ADVOCATE IN SR.No.78270.
+1CC TO SPECIAL GOVERNMENT PLEADER IN SR.No.78446.

MM

DS SKN SAR-2;07.09.2018; 4P/11C

W.P. (MD) No.8360 of 2018
11.08.2018