



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

W.P. (MD) No.17939 of 2017
and
W.M.P. (MD) No.14458 of 2017

Poundass

... Petitioner

-Vs-

1.The General Manager,
Madurai District Cooperative Milk Producers,
Union Limited, (Aavin)
Sathamangalam,
Madurai.

2.The District Collector,
Madurai District, Madurai.

3.Mr.Premachandran

4.M/s.Lucky Association,
No.304, Makilambu Street,
6th Main Road, Gomadhipuram,
Madurai.

... Respondents

(R4 is impleaded vide Court order dated 24.10.2017 in W.M.P. (MD) No.15749 of 2017)

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to accept and process the Technical Bid and Commercial Bid of the petitioner towards the tender process invited in respect of Civil Contract Works under the name of Providing Road Arrangements Around, Dairy Building, Inner Drain, Rain Water Harvesting, Outer Main Drainage & Laying of Dis Pipes At Main Dairy Madurai, conducted on 19.09.2017.

For Petitioner : Mr.R.Murali
For R1 : Mr.N.S.Karthikeyan
For R2 : Mrs.J.Padmavathy Devi,
Special Government Pleader
For R3 : Mr.M.Saravanakumar

ORDER

The Writ Petition has been filed, seeking a direction to the first respondent to accept and process the Technical Bid and Commercial Bid of the petitioner.



2. According to the petitioner, the first respondent called for tender to execute some civil works with the first respondent and the last date for submitting the tender was 19.09.2017 the earnest money deposit was fixed at Rs.2,42,000/- the petitioner, who is the Class-I contractor, having all the required machineries and equipments to execute the said civil works, took demand draft for a sum of Rs.2,62,000/- towards earnest money deposit on 18.09.2017 and while entering into the office of the first respondent to submit the tender documents, he has been physically prevented by the third respondent. In the above circumstances, the petitioner has filed the present Writ Petition for the aforesaid relief.

3. The learned Additional Government Pleader appearing for the first respondent submitted that even though the earnest money deposit amount was fixed at Rs.2,42,000/-, the petitioner took demand draft for a sum of Rs.2,65,000/-. He also submitted that in view of the order dated 21.09.2017, so far, the respondents have not proceed further in the tender process.

4. I have heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the first respondent, learned Special Government Pleader appearing for the second respondent and the learned counsel for the third respondent and perused the materials available on record carefully.

5. It is an admitted fact that the petitioner is the Class-I contractor and he is also eligible to participate in the said tender process for executing certain works with the first respondent. It is also another admitted fact that on 18.09.2017 itself, the petitioner took demand draft for more than the amount as fixed by the first respondent.

6. Considering the facts and circumstances of the case, I find no reason for non-accepting the petitioner's tender documents. Hence, the first respondent is directed to accept the petitioner's tender and process the same along with the other tenders.

7. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

1. The General Manager,
Madurai District Cooperative Milk Producers,
Union Limited, (Aavin)
Sathamangalam, Madurai.



2.The District Collector,
Madurai District,
Madurai.

+1cc to M/S.Special Government Pleader, SR. 45192
+1cc to Mr.N.S.KARTHIKEYAN, Advocate, SR. 45579
+1cc to Mr.M.SURESH KUMAR, Advocate, SR. 45109
+1cc to Mr.T.LAJAPATHI ROY, Advocate, SR.45351

W.P (MD) No.17939 of 2017
30.01.2018

MYR
KK/SV MMS/SAR4 /01.02.2018/ 3P- 7C/