



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 30.11.2018

CORAM

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23873 of 2018 and
W.M.P(MD)Nos.21600 to 21602 of 2018

K.Manikandan

.. Petitioner

Vs

Madurai District Cooperative Milk Producers Union Limited(Aavin),
represented by its General Manager,
Sivagangai Main Road, Sathamangalam,
Madurai.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records in connection with the tender notice in Reference No.3560/MKg/2018, dated 16.11.2018 and the corrigendum in Reference No.3560/Mkg-2/2018 and the Corrigendum issued by the respondent on 27.11.2018 for the Milk Distribution Route Vehicles Tender 2018-2019 and quash the same and consequently to direct the respondent to issue fresh tender by making proper publication of the amended terms of the tender by granting proper and sufficient time following the Tender Transparency Act.

For Petitioner : Mr.K.K.Senthil
For Respondent : Mr.M.Murugan
Government Advocate

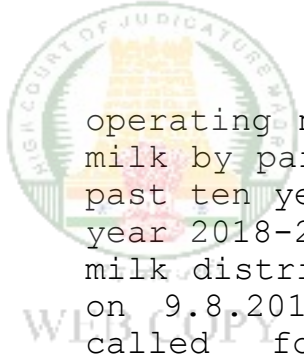
ORDER

The Petitioner has prayed for issuance of a Writ of Certiorarified Mandamus to quash the tender notice in Reference No.3560/MKg/2018, dated 16.11.2018 and the corrigendum in Reference No.3560/Mkg-2/2018 and the Corrigendum issued by the respondent on 27.11.2018 for the Milk Distribution Route Vehicles Tender 2018-2019 and consequently to direct the respondent to issue fresh tender by making proper publication of the amended terms of the tender by granting proper and sufficient time following the Tender Transparency Act.

2.Mr.M.Murugan, learned Government Advocate takes notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The case of the Petitioner is that the Petitioner has been



operating milk marketing route vehicles for distribution of sachet milk by participating in tenders floated by the respondent for the past ten years and he is now aggrieved by the tender issued for the year 2018-2020, wherein, tender notice has been issued for operating milk distribution route vehicles and that the tender will be opened on 9.8.2018 which was not materialized and then the respondent called for another tender by issuing advertisement in Dinamalar Daily on 16.11.2018 informing that the tender will be conducted on 30.11.2018 and tender applications will have to be submitted through on-line till 11.30 a.m. On 30.11.2018 and three days before the opening of tender on 27.11.2018, there was a corrigendum issued by the respondent regarding tonnage and according to the Petitioner, the said corrigendum is purposely published in order to eradicate him from the business, because he is having lorries only to a particular capacity, which cannot carry three tones of milk.

4. The Petitioner would further contend that at the earlier point of time, tender specifies only the number of boxes which the lorries or vehicles can carry and now they have stated the capacity as three tones or five tones and he will be out of business, if the same will be executed. The Petitioner would submit that the said advertisement specifying the tonnage is illegal and it should be the number of boxes to be carried since the Petitioner's vehicle is to that effect and he will be losing his right in participating the tender, if specific tonnage is indicated. His vehicle which are of 409 and 709 model carry only 3.550 tones and the respondent ought to have said that the vehicles carrying number of boxes and the respondent ought not to have given the corrigendum without giving opportunity to the Petitioner to purchase a new vehicle. Since it is also found that the respondent without informing the general public, by way of publication, this Court directs the respondent to consider the case of the similarly placed persons as that of the Petitioner by giving them tender schedule and tender schedule is to be conducted on 10.12.2018 and in the meanwhile, the Petitioner is at liberty to purchase the vehicle as prescribed by the respondent or to make arrangement for participating in the tender and the authorities concerned are directed to give a go-by to the tender scheduled on 30.11.2018 and the tender will have to be opened on 10.12.2018 and the last date for application of tender through on-line is 10.12.2018 till 3.00 p.m.. The Petitioner is at liberty to participate in the tender, if he desires to do so.

5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/



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

+ 1 CC TO Mr.K.K.SENTHIL, ADVOCATE IN SR No. 98004
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 98127

VSN

TE/PM/SAR-1 : 07/12/2018 : 3P/4C

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