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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
Dated: 04.01.2018

CORAM  
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN  
W.P.(MD)No.22209 of 2017  
and  
W.M.P.(MD)Nos.18506 to 18509 of 2017

M/s. Dharani Hi-Tech Projects Pvt. Ltd.,  
Rep. by its Authorized Representative,  
No.28, Annavasal Street,  
Mannarkudi,  
Thiruvarur District.

. . .Petitioner

-Vs-

1.The Project Director,  
DRDA,  
Pudukkottai,  
Pudukkottai District.

3.The Executive Engineer,  
DRDA,  
Pudukkottai,  
Pudukkottai - District.

3.Mr.A.G.Sethuraman,  
The Executive Engineer,  
DRDA,  
Pudukkottai,  
Pudukkottai District.

. . .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 condition of production of working condition / possession Certificate to be obtained from the 2<sup>nd</sup> respondent in clause No.7 (I), 7(ii) & 7 (iii) of Information and Instruction for Bidders under Two Cover System in the invitation for Technical Bid Package No.NBARD RIDF XXIII (2017-2018) in respect of Package Nos.1 to 13 in the bid document, issued by the 1<sup>st</sup> respondent and the consequential impugned certificate issued by the 2<sup>nd</sup> respondent in his proceedings in Nil dated 02.12.2017 and quash the same as illegal, malafides, arbitrary and in violation of Article 14 of Constitution of India and consequently directing the respondents to permit the petitioner to participate in the tender pursuant to invitation of technical bid in package No. NBARD RIDF XXIII (2017-2018) in respect of Package Nos.1 to 13, without insisting for production of Working Condition / Possession Certificate or construction equipment, tools and plants.

For petitioner : Mr.B.Saravanan



For respondents

: Mr.B.Pugalendhi

Additional Advocate General  
assisted by  
Mr.T.S.Mohammed Mohideen  
Additional Government Pleader

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ORDER

The Writ Petition has been filed challenging the clause No.7 (i), 7(ii) and 7(iii) of the Information and Instructions for Bidders issued by the Director of Rural Development and Panchayat Raj Department dated 01.11.2017.

2.The learned counsel for the petitioner submitted that the petitioner is the class I contractor participating in various Government contracts. In one of the tender conditions, namely, Clause No.7 (i), 7(ii) & 7 (iii) of Information and Instruction for Bidders requires the petitioner to obtain working condition certificate from the Executive Engineer / the second respondent to participate in the tender.

3.Earlier, this Court passed an order in W.P.(MD)No.21512 of 2017 on 01.12.2017 directing the second respondent to consider the petitioner's application for grant of working condition certificate. Pursuant to the order of this Court, now the second respondent has deliberately issued a defective certificate saying that the petitioner does not possess water tanker with sprinklers.

4.In the above circumstances, now, the petitioner came forward to challenge the condition as arbitrary.

5.The learned Additional Advocate General appearing for the respondents submitted that now the respondents are ready to accept the tender submitted by the petitioner with the certificate issued by the second respondent to him and they are also ready to process the tender form of the petitioner.

6.In view of the submission made by the learned Additional Advocate General without going into the merits of the case, the respondents are directed to accept and consider the petitioner's tender form with the certificate issued by the second respondent.

7.In view of the above direction, this Writ Petition is closed. There shall be no order as to costs. Consequently, W.M.P. (MD)Nos.18506 to 18509 of 2017 are closed.

Sd/-

Assistant Registrar (CS II)

/True copy/

Sub Assistant Registrar



To

1.The Project Director,  
DRDA,  
Pudukkottai,  
Pudukkottai District.

2.The Executive Engineer,  
DRDA,  
Pudukkottai,  
Pudukkottai - District.

+1cc to Mr.B.SARAVANAN,Advocate,SR. 40458

W.P. (MD) .No.22209 of 2017  
04.01.2018

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KK/SKN RSK/SAR 1/05.01.2018/ 3P- 4C/