

In the High Court of Judicature at Madras

Dated : 08.1.2019

Coram :

The Honourable Mrs.Justice PUSHPA SATHYANARAYANA

Writ Petition No.714 of 2019
and WMP.Nos.789 and 791 of 2019

SPL Infrastructure Pvt. Ltd.,
rep.by its Managing Director
SP.Lakshmanan ...Petitioner

Vs

1.The Chief Engineer, National
Highways, Highways Office
Building, HRS Campus, Sardar
Patel Road, Chennai-25.

2.The Superintending Engineer,
National Highways, Chennai
Circle, TNSCC Complex, Jai
Nagar, 206/N, Jawaharlal
Nehru Salai, Chennai-106.

3.The Divisional Engineer,
National Highways, Chennai
Division, TNSCC Complex, Jai
Nagar, 206/N, Jawaharlal
Nehru Salai, Chennai-106.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider and receive on record the original tender documents and consider the same along with other competing tenders after issuing the working condition certificate as per their letters dated 28.12.2018 and 07.1.2019.

For Petitioner : Mr.R.Sivaraman
For Respondents : Mr.V.Shanmuga Sundar, Spl.GP

ORDER

Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner has filed this writ petition seeking a direction to the respondents to receive on record the original tender documents and consider the same along with other competing tenders after issuing the working condition certificate based on their applications dated 28.12.2018 and 07.1.2019 so as to enable the petitioner to participate in the tender to be held on 11.1.2019 for the works of widening of (i) Walajabad - Sunguvachatram - Keelachery Road (double lane to four lane); (ii) Eichur - Palur Road (single lane to intermediate lane); (iii) Kodambakkam - Sriperumbudur Road (double lane to four lane); (iv) Tiruporur Road (double lane to four lane); and (v) Guduvanchery Kottaiyur Road (double lane to four lane).

3. As per the tender conditions in Annexure I, which relate to major items of constructional plant, it is specified that the working condition certificate should be obtained from the Divisional Engineer (NH), Chennai and that the original certificate should be enclosed along with pre-qualification documents. Though the petitioner applied to the Divisional Engineer (NH) concerned for the issue of the working condition certificate, their request has not been responded till today.

4. It is contended that the last date for submitting the application is 3 PM on 10.1.2019 i.e. day after tomorrow. In such a situation, the grievance of the petitioner is that they are unable to present the tender documents even till date without the working condition certificate.

5. The learned Special Government Pleader submits that the working condition certificate will be issued by the Divisional Engineer (NH) concerned by tomorrow. The said submission of the learned Special Government Pleader is placed on record.

6. Considering the submissions made on either side, the writ petition is disposed of with a direction to the second respondent to accept the tender documents, which were submitted online. As and when the working condition certificate is issued by the Divisional Engineer (NH) concerned, the same can be presented by the petitioner within two days of the receipt of the certificate, which shall be accepted by the second respondent. No costs. Consequently, the connected WMPs are closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

RS

To

1.The Chief Engineer, National Highways, Highways Office Building, HRS Campus, Sardar Patel Road, Chennai-25.

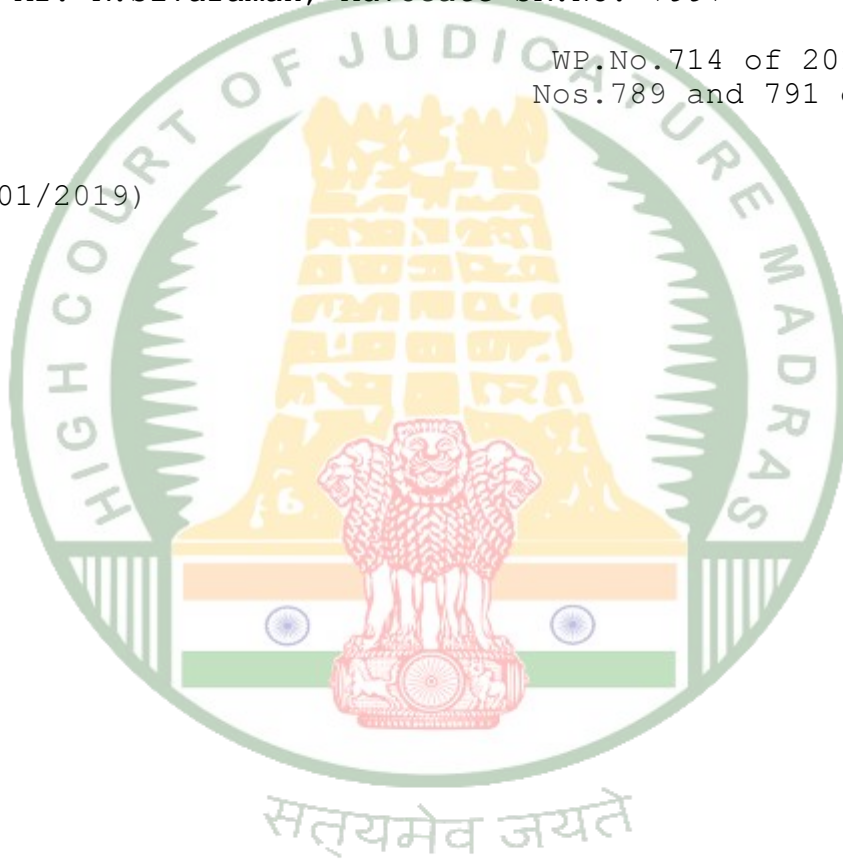
2.The Superintending Engineer, National Highways, Chennai Circle, TNSCC Complex, Jai Nagar, 206/N, Jawaharlal Nehru Salai, Chennai-106.

3.The Divisional Engineer, National Highways, Chennai Division, TNSCC Complex, Jai Nagar, 206/N, Jawaharlal Nehru Salai, Chennai-106.

+lcc to Mr. R.Sivaraman, Advocate SR.No. 7997

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ASK(09/01/2019)



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