

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4279 of 2019

and

WMP.No.4818 and 4819 of 2019

VVA & Co. Water Supply
rep. by its Proprietor
Mrs.Kalpana
No.400, LIG, TNHB,
Avadi, Chennai-600 054

..Petitioner

Vs

The Commissioner
Avadi Municipality
New Military Road
Avadi, Chennai-600 054

Respondent

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Certiorari calling for the records of the impugned tender notice in Roc.No.8606/2018/E2 dated 24.01.2019 issued by the respondent, quash the impugned order and pass orders.

For Petitioner : Mr.S.Udhayakumar

For Respondent : Mr.P.Srinivas for Avadi Municipality.

ORDER

The Prayer in the Writ Petition is to issue a writ of Certiorari to call for the records of the impugned tender notice in Roc.No.8606/2018/E2 dated 24.01.2019 issued by the respondent and to quash the same.

2. On 13.02.2019, when the matter was taken up, this court has directed the petitioner to present the application on that day itself. However, today at the instance of the Petitioner counsel, it is taken as Lunch Motion matter.

3. The learned counsel for the Petitioner submits that the Petitioner undertakes to submit the tender application form before the respondent today ie., 14.02.2019.

4. Recording the above submission, it is directed that if any such application is received by the respondent municipality, the same shall not be rejected on the ground that the Petitioner has not produced necessary documents along with the application.

5. According to the Petitioner, the tender notification has been published in the Tamil Daily "Namadhu Amma" and another English Daily viz., "Business Standard" on 29.01.2019. But the respondent Municipality has not followed the minimum time as required to be published in the Website as per the guidelines of the Act. It is stated that as per the guidelines, the Tender Inviting Authority shall ensure that adequate time is provided for the submission of tenders and a minimum time is allowed between date of publication of the Notice inviting Tenders in the relevant Tender Bulletin or in the newspapers whichever is later and the last date for submission of Tenders. It is submitted by the learned counsel for the Petitioner that in addition to the said publication of tender notification in Newspapers, in accordance with the rules, the said tender notification has been published in the Website also inviting tenders on 08.02.2019. Therefore, there is no fifteen days time granted as per the Rules.

6. The learned counsel for the Respondent Municipality submits that the aforesaid tender notices were already published in two editions as per Rules, on 29.01.2019, but it was published in the Website on 08.02.2019. Further it is submitted that the Petitioner is a regular contractor under the respondent municipality for the very same work order, issued by the respondent municipality. Therefore, in the case of Petitioner, there is no need for such fifteen days time to be granted in submitting the tender application forms, after the website publication. The learned counsel for the Respondent Municipality further submits that the Petitioner has approached this court in the last moment, only with a view to stall the entire proceedings.

7. However, the learned counsel for the respondent Municipality as a residual contention, would submit that if the Petitioner submits the Tender application forms today (14.02.2019) by 3.30 p.m., the same will be accepted and the tender will be opened after 6 p.m. today (14.02.2019).

8. The learned counsel for the Petitioner also undertakes that the Petitioner is ready to submit the application along with documents to the respondent corporation on or before 5 p.m. today. If the same is submitted, the respondent shall receive the tender forms, if it is otherwise in order and the said tender application form shall be processed in accordance with law.

9. The Petitioner shall submit the application through online to the Respondent Municipality on or before 5 p.m, today (14.02.2019). The Writ Petition is disposed of with the above observation.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

nvsri
To

The Commissioner
Avadi Municipality
New Military Road
Avadi, Chennai-600 054

+lcc to Mr.P.Srinivas, Advocate SR.No.13944

WP.4279 of 2019

VD (CO)
GMY (02/04/2019)



WEB COPY