



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.20438 of 2019
& W.M.P.Nos.19743, 19745 & 19747 of 2019

Tmt.R.Radhika,
W/o.Ravichandran,
The Secretary,
Yelahiri Hills Panchayat Level Federation,
Yelagiri Hills, Jolarpet Block,
Vellore District. ... Petitioner

/versus/

1. The District Collector,
Vellore,
Vellore District.
2. The Commissioner/Block Development Officer,
Jolarpet Block,
Jolarpet, Vellore District.
3. The Project Director,
Tamil Nadu State Rural Livelihood Mission,
Poomali Shopping Complex,
Anna Salai,
Vellore - 632 001.
4. The Manager,
District Supply and Marketing Society,
Poomalai Shopping Complex,
Anna Salai,
Vellore -632 001. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, to call for the records pertaining to the impugned order in Na.Ka.Pa.E1/3857/2014, dated 28.06.2019, passed by the 1st respondent and quash the same and consequently direct the 1st respondent to restore the order in Na.Ka.D1/694/2019, dated 25.06.2019, passed by the 1st respondent and to pass orders.

For Petitioner : Mr.S.Ramkumar

For R1 : Mr.N.Inbanathan,
Additional Government Pleader

For R3 & R4

: Mr.G.Mutharasu

For R2

: Mr.V.Jayaprakash Narayanan

O R D E R

Heard the Learned Counsel for the petitioner and the Learned Counsel for the respondents.

2. A Women Self Help Group represented by the petitioner was permitted to participate in the tender floated by the 2nd respondent for collecting tolls in Yelagiri tourist centre. The petitioner was exempted from Tender conditions (1), (2), (6) & (7) by the 1st respondent. But when the auction held on 27.06.2019, the other bidders objected to the participation of the petitioner with the exemption. Based on their objection and also considering the previous conduct of one Semmagalir Self Help Group, which was successful bidder in the tender for the year 2012-2015, but defaulted and caused loss to the Government for a sum of Rs.93,25,217/-, the District Collector, Vellore, has withdrawn the exemption granted to the petitioner Self Help Group vide its order in Na.Ka.D1/694/2019, dated 25.06.2019. As a consequence now the petitioner has to furnish solvency for a sum of Rs.40 Lakhs, besides E.M.D and other requirements such as Income Tax Returns, G.S.T clearance and Professional Tax receipts. The withdrawal of the permission to the petitioner Self Help Group to participate in the auction, to the subject matter of challenge in this Writ Petition.

3. The affidavit of the petitioner, indicates that the petitioner Federation is establishment for development of Yelagiri Self Help Group and improvement of their livelihood. The 2nd respondent/Commissioner, Jolarpet, Vellore, has issue notification dated 13.06.2019 for conducting public auction for boating on Yelagiri Ponganoor Lake, Collection for Ponganoor entrance fees, running a Market complex in Ponganoor Lake area, running a Canteen, Collection of Toilet fees and fish catching ride for a period of 01.07.2019 to 30.06.2020. In the said auction, on behalf of the Self Help Group, the petitioner federation was permitted to participate without furnishing solvency certificate for Rs.40 lakhs and the application of the Tender conditions (1), (2), (6) & (7) were exempted by the 1st respondent/District Collector, Vellore, vide order dated 25.06.2019. Accordingly, on behalf of the petitioner the 4th respondent deposited E.M.D for a sum of Rs.5 Lakhs and participated in the auction but due to objection raised by the other bidders, the auction was stopped. The permission granted to the petitioner federation was also withdrawn. Hence, the present Writ Petition is filed.

4. The learned Counsel appearing for the petitioner would submit that, the federation is working for the welfare of the Women's in Yelagiri area. The 4th respondent has come forward to pay the E.M.D on behalf of the Self Help Group and the District Collector was also gracious enough to exempt certain onerous Tender conditions, which Self Help Group cannot satisfy. In such circumstances, on the objection raised by the other bidders, the petitioner federation is prevented from participating in the tender process. The clauses exempted for the petitioner federation more particularly production of solvency certificate worth for a sum of Rs.40 lakhs, has enabled for the petitioner federation to participate in the tender. The District Collector, Vellore, vide proceeding dated 25.06.2019 has exempted the said clause. Taking into the object of Self Help Group and their financial in capacity to provide solvency for Rs.40 Lakhs. In the Clause 10 of the Tender conditions ensures payment of 25% of bid amount on the date of concluding the auction and balance in nine monthly instalments. Therefore, the respondents need not apprehend that the petitioner if being a successful bidder may commit default and cause loss to the respondents since the bid amount is collected in advance and also E.M.D of Rs.5 Lakhs is collected. Taking note of the submission, the withdrawal of exemption is due to the past conduct of some other Self Help Group and objection arised out of it. Hence, the financial interest of the respondents has to be protected while showing any concession to the Self Help Group.

5. Therefore, the 1st respondent/District Collector, Vellore, is hereby directed to permit the petitioner to participate in the tender, subject to conditions imposed in his proceedings in Na.Ka.D1/694/2019, dated 25.06.2019. To ensure more security, the petitioner in lieu of solvency certificate worth Rs.40 lakhs shall deposit double the E.M.D amount fixed for the bid.

6. With the above directions, the Writ Petition is disposed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

bsm

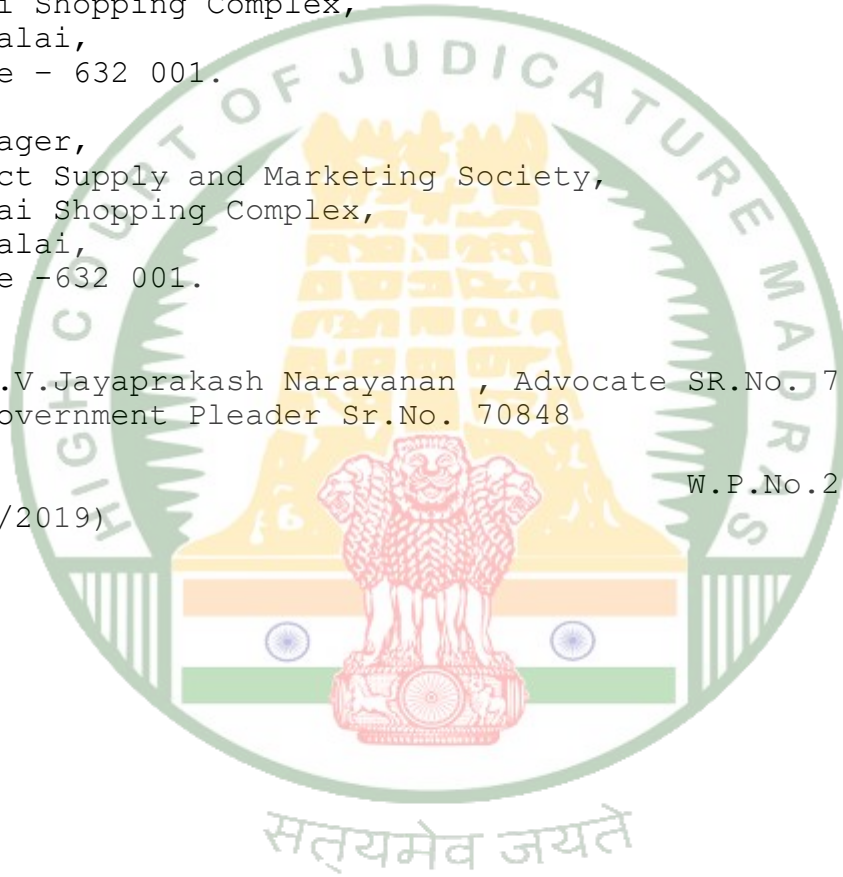
To,

1. The District Collector,
Vellore,
Vellore District.
2. The Commissioner/Block Development Officer,
Jolarpet Block,
Jolarpet, Vellore District.
3. The Project Director,
Tamil Nadu State Rural Livelihood Mission,
Poomali Shopping Complex,
Anna Salai,
Vellore - 632 001.
4. The Manager,
District Supply and Marketing Society,
Poomalai Shopping Complex,
Anna Salai,
Vellore -632 001.

+1cc to Mr.V.Jayaprakash Narayanan , Advocate SR.No. 70750
+1 cc to Government Pleader Sr.No. 70848

W.P.No.20438 of 2019

A.SK(24/09/2019)



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