

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.31049 of 2019

and

W.M.P.No.31155 of 2019

and

Writ Petition No.31050 of 2019

and

W.M.P.No.31158 of 2019

U.P.Rammaiah ...Petitioners in both W.Ps

Versus

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
2. The Principal Chief Engineer,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
3. The Superintending Engineer,
Bus Routes Road Department,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

...Respondents in both W.Ps

COMMON PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, i) directing the 3rd respondent to issue machinery certificate to the petitioner considering the petitioner's application dated 17.10.2019 and received by the 3rd respondent on 21.10.2019. ii) The 3rd respondent to receive the original instrument of Bank Guarantee for EMD dated 22.10.2019 drawn on Indian Bank issued in favour of the petitioner. iii) The respondents to enable the petitioner to participate in the said tender process in a free, fair and transparent manner.

For Petitioner .. Mr.V.Karthick, Senior Counsel
For K.V.Law Firm
For R1 to R3 .. Mrs.Karthika Ashok,
Standing Counsel

C O M M O N O R D E R

The petitioner herein in both W.P.s has filed these Writ Petitions seeking for issuance of a Writ of Mandamus, i) directing the 3rd respondent to issue machinery certificate to the petitioner considering the petitioner's application dated 17.10.2019 and received by the 3rd respondent on 21.10.2019. ii) The 3rd respondent to receive the original instrument of Bank Guarantee for EMD dated 22.10.2019 drawn on Indian Bank issued in favour of the petitioner. iii) The respondents to enable the petitioner to participate in the said tender process in a free, fair and transparent manner.

2. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents.

3. The petitioner herein as a contractor of construction of roads to participate in the ensuing tender sought for machinery certificate from the Corporation to vouchsafe that the petitioner is capable for performing the works contract. Since, there was delay in issuing the machinery certificate apprehension has caused in the mind of the petitioner that the respondent will not give machinery certificate and refuse to receive the original bank guarantee which has to be submitted along with the tender document and deprive the petitioner from participating in the tender. Hence, the present Writ Petition.

4. After notice, the learned Standing Counsel appearing for the Corporation handed over the original machinery certificate to the learned counsel for the petitioner today. Hence, the substantial portion of the relief sought in the Writ Petition is complied by the respondents and regarding the receipt of the original bank guarantee, the learned Standing Counsel for the Corporation says that if the petitioner present the original BG instrument for EMD it will be accepted.

5. Recording the same, this Writ Petition is disposed of. No costs. Consequently, W.M.Ps are closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

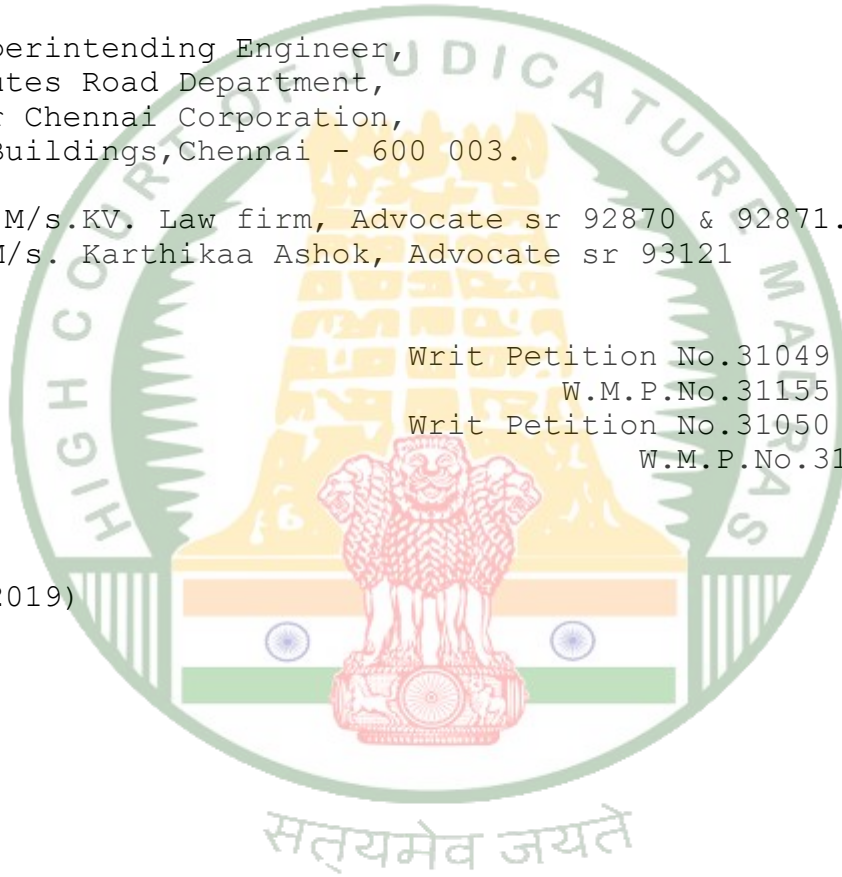
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+2 Ccs to M/s.KV. Law firm, Advocate sr 92870 & 92871.

+1 CC to M/s. Karthikaa Ashok, Advocate sr 93121

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CP(CO)
SP(18/11/2019)



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