

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.12.2019

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.35107 of 2019 &
W.M.P.No.35903 of 2019

PSA Mettur Fish Seed Sales Centre
Rep by Proprietor Mr.S.Prasanna Vekatesh,
Plot No.2, 1st Street Malrosa Puram,
Singaperumal Kovil,
Kanchipuram District. Petitioner

Vs

- 1.The Director,
O/o the Director of Fisheries,
Fisheries Department, Neepangari,
Chennai-15.
- 2.The Assistant Director of Fisheries,
2/601, A, ECR Road,
Neelangarai, Chennai 115.
- 3.Mr.E.T.Mohan Kumar,
Assistant Director of Fisheries,
2/601, A, ECR Road,
Neelangarai, Chennai 115.
- 4.The Assistant Director of Fisheries,
10, Nithiyanantham Nagar,
Vazhuthareddy, Villupuram District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate Writ or Order or Direction in the nature of Writ of Mandamus, to direct the first Respondent to take departmental action against the 3rd Respondent for having indulged in corruptive action with regard to the finalization of the RFQ in package No.02/IAMP/FISHERIES/LPR/CAR/G/I/19-20 dated 23.10.2019 and No.01/IAMP/FISHERIES/LPR/CAR/G/II/19-20 dated 14.11.2019.

For Petitioner : M/S. Selvi George
For Respondent : Mr.Govindasamy,
Special Government Pleader
for R1 to R4

ORDER

- 1.This Writ Petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, to direct the first Respondent to take departmental action against the 3rd Respondent for having indulged in corruptive action with regard to the finalization of the RFQ in package No.02/IAMP/FISHERIES/LPR/CAR/G/I/19-20 dated 23.10.2019 and No.01/IAMP/FISHERIES/LPR/CAR/G/II/19-20 dated 14.11.2019.
- 2.The Petitioner had participated in a quotation which was called for by the second Respondent for procurement of 33.8 Lakhs of live fresh water fish seeds of Catla, Rohu, Mirgal, Common Carp and Grass carp to be delivered at selected tanks in Kancheepuram District under the World Bank Scheme vide RFQ.No.02/IAMP/DISHERIES /LPR/CAR/GI/19-20 dated 23.10.2019. Similarly, the fourth Respondent had also issued a quotation for procurement of 30 fish seeds by order REQ.No.01/IAMP/FISHERIES/LPR/CAR/G/II/19-20 dated 14.11.2019. The Petitioner had participated in the tender. It had been stated that the Petitioner was overlooked and the bid of M/s. Sri Balaji Fish Seeds having office at Anna Nagar had been accepted. In this connection, the Petitioner has a grievance. According to the Petitioner, the entire selection process was not done in accordance with the procedure, which has to be done with bona fide intention to ensure that the bidder was the actual successful bidder. The Petitioner has given representation in this regard on 02.12.2019 to the Respondents. It is stated by the learned counsel for the Petitioner that there was also an audio recording of one of the bidders and the grievance of the petitioner is that no action has been taken by the first Respondent in respect of the representation given. Hence the Writ Petition.
- 3.To clear all doubts in the bid process and to maintain transparency, it would only be appropriate that the first Respondent conducts an enquiry in respect of the representation given to the first Respondent and also during process of such enquiry, the Petitioner be given an opportunity of personal hearing and also examine the document/CD/any other relevant materials produced by the Petitioner and thereafter if

necessary issue notice to any other individuals concerned and then pass detailed orders with reasons. The first Respondent may issue notice to the petitioner for appearance and thereafter endeavour to conclude the enquiry on or before 31.03.2020.

4. In view of the above direction, the Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Director,
O/o the Director of Fisheries,
Fisheries Department, Neepangari,
Chennai-15.
2. The Assistant Director of Fisheries,
2/601, A, ECR Road,
Neelangarai, Chennai 115.
3. The Assistant Director of Fisheries,
10, Nithiyanantham Nagar,
Vazhuthareddy, Villupuram District.

+1cc to Mrs.Selvi George, Advocate Sr.106508

W.P.No.35107 of 2019

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