

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.01.2019
CORAM
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.A.No.2805 of 2018 and
C.M.P.No.23320 of 2018

Shamson Polymers Pvt.Ltd.,
Represented by Managing Director
Deepak Batra
Having its office at C-1, Site IV
Industrial Area, Sahibabad
Ghaziabad - 201 010 (UP) ...Appellant/Petitioner

Vs.

- 1.Tamil Nadu Textbook and Educational Services Corp.
Rep. by its Managing Director,
Having its office at
No.68, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai, Tamilnadu - 600 006.
- 2.The Managing Director,
Tamil Nadu Textbook and Educational Services Corp.
Having its office at
No.68, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai, Tamilnadu - 600 006.
- 3.The Director General
CSIR Central Leather Research Institute,
Having its office at
Anusandhan Bhawan,
2, Rafi Marg, New Delhi - 110 001.
- 4.The Director,
CSIR Central Leather Research Institute,
Sardar Patel Road, Adyar,
Near IIT Madras, Chennai
Tamil Nadu - 600 020.

5.K.J.Shreeram

6.Manjeet Kapoor

7.Charanpaaduka Industries Pvt. Limited,
Rep. by its Director,
Rajesh Gupta,
11/371, 1st Floor, Sunder Vihar,
Paschim Vihar, New Delhi - 110 083.

8.M/s.M.B.Rubber Pvt.Ltd.,
Rep. by its Director Vipin Mehta
No.195, Gagan Vihar,
Delhi - 110 051.

9.H.B.Rubber Shoes Pvt. Ltd.,
Rep. by its Authorised Representative
No.195, Gagan Vihar,
Delhi - 110 051. Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order of this Court dated 22.11.2018 in W.P.No.20406 of 2018 filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 2 to consider the technical bid of the petitioner strictly as per the provisions of the tender document bearing No. RC No. 1119/ C1/ 2018 dated 6.4.2018 and the Tamil Nadu Transparency in Tenders Act 1998 and Rules 2000 and also permit the petitioner to participate in the price bid.

For Appellant : Mr.P.Jitendra Kumar

For Respondents : Mr.S.T.S.Moorthy
Additional Advocate General
Mr.C.Munusamy, Spl.G.P.(Edn)
for R1 and R2
Mr.G.Rajkumar for R6
Mr.R.Palaniandavan for R7

J U D G M E N T

[Judgment of the Court was made by
M.SATHYANARAYANAN, J.]

The learned counsel for the appellant would submit that the appellant/writ petitioner has filed a Writ of Mandamus, directing the respondents 1 and 2 to consider the technical bid in terms of tender document, dated 06.04.2018 and the Tamil Nadu Transparency in Tenders Act, 1998 and the Rules framed thereunder and also permit the petitioner to participate in the said bid.

2. The writ petition, after contest came to be dismissed on 22.11.2018. Aggrieved by the dismissal of the writ petition,

the petitioner has filed this writ appeal.

3. The learned counsel for the appellant would submit that by way of subsequent development, the appellant/writ petitioner has been issued with an order of rejection and he may be permitted to withdraw this writ appeal with liberty to challenge the order of rejection passed by the respondents 1 and 2.

4. This Court heard the submissions of Mr.P.Jitendra Kumar, learned counsel for the appellant, Mr.S.T.S.Murthy, learned Additional Advocate General assisted by Mr.C.Munusamy, learned Special Government Pleader for respondents 1 and 2, Mr.G.Rajkumar, learned counsel for the 6th respondent and Mr.R.Palaniandavan, learned counsel for the 7th respondent.

5. In the light of the endorsement made by the learned counsel for the appellant/writ petitioner, this writ appeal is dismissed as withdrawn and the appellant/writ petitioner is granted liberty to challenge the order of rejection of technical bid in accordance with law before the competent forum. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Managing Director,
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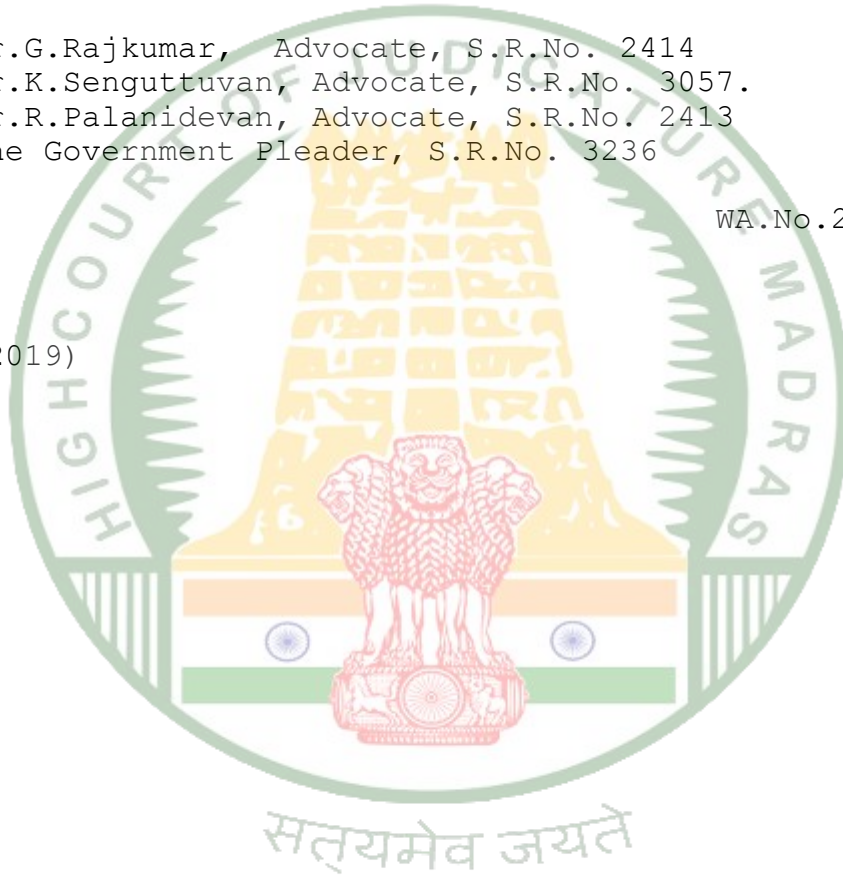
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Tamil Nadu - 600 020.

+1cc to Mr.G.Rajkumar, Advocate, S.R.No. 2414
+1cc to Mr.K.Senguttuvan, Advocate, S.R.No. 3057.
+1cc to Mr.R.Palanidevan, Advocate, S.R.No. 2413
+1cc to the Government Pleader, S.R.No. 3236

WA.No.2805 of 2018

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