



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No. 6079 of 2019

and

W.M.P. (MD) No. 4852 of 2019

M/s.Dheek and Co.,
Represented by its Managing Partner,
Kajamalai Vijay.

... Petitioner

Vs

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
St.George Fort,
Chennai.

2.The Commissioner of Municipal Administration,
Ezhilagam Annexe, 6th Floor,
Chepauk, Chennai - 600 005.

3.The Commissioner,
Trichirapalli Corporation,
Bharathidasan Salai,
Trichy 620 001.

4.Amuthavalli

5.B.Selvam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent Nos.3 to 5 to accept price bid of the petitioner and confirm the same in respect of the tender notification No.455/2018-2019, dated 09.02.2019.

For Petitioner

: Mr.Prabju Rajadurai
For Mr.R.Maheswaran

For Respondents

: Mr.M.Rajarajan
Government Advocate for R1 & R2

**ORDER**

The Trichirapalli City Municipality issued tender notification dated 09.02.2019 inviting application from the eligible contractors to carryout four contract works. The tenders were opened on 27.02.2019. The petitioner's price bid was not opened. Therefore the petitioner herein filed this writ petition for directing the tender authorities to accept his price bid.

2.When the matter was taken up for hearing, the learned standing counsel appearing for the Trichirapalli Corporation pointed out that one of the conditions was that the applicant must have registered himself with PF authority. Since the petitioner got registration from EPF only on 10.03.2019, he was not eligible.

3.The learned counsel appearing for the writ petitioner drew the attention of this Court to the fact that in W.P.(MD)Nos.18805 and 17380 of 2013 when the respondent corporation issued similar condition, the same was stayed by this Court.

4.Though it is not disputed by the learned standing counsel appearing for the third respondent, this Court must hold that the principle of estoppel will operate against the writ petitioner. If the condition to register oneself with EPF was not acceptable to the writ petitioner, he must have questioned the tender notification even before submitting his tender. In this case the petitioner subjected himself to the impugned tender process. In fact he filed W.P.(MD)No.5376 of 2019 for directing the respondent to open the price bid and complete the tender process in respect of the tender notification dated 09.02.2019. Therefore, the petitioner is bound fully by the terms of the tender notification. Inasmuch as it has now emerged that the petitioner has not fulfilled one of the conditions of the tender notification, he cannot now ask for opening of his price bid. Therefore, the writ petition stands dismissed. At this stage, the learned standing counsel appearing for the corporation states that the petitioner can very well participate in respect of the remaining two contract works. This statement is recorded. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To:

1. The Secretary to Government,
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Chennai.
2. The Commissioner of Municipal Administration,
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Chepauk,
Chennai - 600 005.
3. The Commissioner,
Trichirapalli Corporation,
Bharathidasan Salai,
Trichy 620 001.

1CC TO MR R. MAHESWARAN, ADVOCATE SR 57636
1CC TO MR. N. S. KARTHIKEYAN, ADVOCATE SR 57407
1CC TO THE SPL GOVT PLEADER SR 57917

DS
11/04/2019
3P 7C

W.P. (MD) No. 6079 of 2019

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