



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **21.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.24180 of 2019

and

W.M.P. (MD)No.20765 of 2019

MJD Construction and Engineering Contractors P.Ltd.,
Rep. By its Managing Director,
Janaka Jebangelin,
MJ Bhavan,
Kannumamoodu,
Pazhugal Village,
Kanyakumari District.

: Petitioner

Vs.

The Executive Officer,
Arumanai First Grade Town Panchayat,
Kanyakumari District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to open the petitioner's tender cover in tender notice Na.Ka.No.660/2019/A1, dated 24.10.2019 in the presence of tenderers.

For Petitioner	: M/S.C.Bharathi
For Respondent	: Mr.K.Chellapandian, Additional Advocate General, Assisted by Mr.M.Rajarajan, Government Advocate

ORDER

The petitioner filed the present Writ Petition for a direction, directing the respondent to open the petitioner's tender cover in tender Notice Na.Ka.No.660/2019/A1, dated 24.10.2019.

2. According to the petitioner, the tender should have been opened on 12.11.2019 at 03.30 p.m., but, it was not opened. It is mandatory that the respondent can open the tender in the presence of the bidders or their representatives. Since the tender was not opened, the petitioner approached this Court with the above prayer.

3. On notice, the learned Additional Advocate General appearing for the respondent would submit that in Na.Ka.No.660/2019/A1, dated 13.11.2019, the tender was opened on 12.11.2019 at 03.30 p.m., and on evaluation of the technical bid, the tender submitted by the petitioner was rejected on 13.11.2019. He produced a copy of that order before this Court.



4. The learned counsel appearing for the petitioner has received a copy of the same and has opted to challenge the said rejection order by way of filing an appeal under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998.

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5. In view of the submission made and in view of the later developments, the Writ Petition is dismissed as having become infructuous. However, the petitioner is at liberty to challenge the rejection order by filing an appeal under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

SML

To
The Executive Officer,
Arumanai First Grade Town Panchayat,
Kanyakumari District.

Order made in
W.P. (MD)No.24180 of 2019

Dated:-

21.11.2019

SMA/11/12/19/2P/2C