

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.10078 & 12507 of 2015

&

M.P.Nos.1 & 1 of 2015

S.S.Associates,
Rep. by its Managing Partner R.Saravanan,
No.622, Vanniar Nagar, Alagapuram,
Periapudur, Salem-16. Petitioner in both W.Ps.

..Vs..

The Chief General Manager (Administration)
Neyveli Lignite Corporation Ltd.
Block No.10, Neyveli - 607 801 Respondent in
W.P.No.10078 of 2015

1. The Chief General Manager
(Township Administration),
Neyveli Lignite Corporation Ltd.
Block No.10, Neyveli - 607 801.

2. A. Arokiasamy Respondents in
W.P.No.12507 of 2015

Prayer in W.P.No.10078 of 2015 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to accept the tender submitted by the petitioner for Tender No.088/ CB/2014-2015 as eligible tenderer complying the prequalification condition No.2 of the tender notice dated 30.10.2014.

Prayer in W.P.No.12507 of 2015 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus Calling for the records of the 1st respondent culminating in his Letter in Lr.No. TECH/Tndr. No.CGM/TA/ 088/ CB/14/15 dated 7.4.2015 quash the same and direct the 1st respondent herein to consider the tender of the petitioner herein the above Tender.

For Petitioner : Mr.R.Haribabu
in both W.Ps.

For R1 : Mr.F.B.Benjamin George
in both W.Ps.

COMMON ORDER

These writ petitions are heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. The prayer of the petitioner in W.P.No.10078 of 2015 is to direct the first respondent herein to accept the tender submitted by it for Tender No.088/ CB/2014-2015 as eligible tenderer complying the pre-qualification condition No.2 of the tender notice dated 30.10.2014.

2.1. W.P.No.12507 of 2015 is filed by the very same petitioner challenging the award of the contract dated 07.04.2015 vide Letter in Lr.No. TECH/Tndr. No.CGM/TA/ 088/ CB/14/15.

3. It is the case of the petitioner that it has filed Sales Tax Returns for the assessment year 2013-2014 for the amount of Rs.23,87,18,136/- and also has submitted certified copies of the same to the first respondent and the Income Tax Returns for the previous years were also submitted. However, the Income Tax returns for the year 2013-2014 could not be enclosed along with the tender forms and hence, his tender was not qualified. Hence, W.P.No.10078 of 2015 has been filed with the above prayer.

4. Admittedly, the tender itself relates to the year 2014-2015 and thus, even if the petitioner is otherwise qualified for the financial bid, since the term is over, the prayer sought for by the petitioner in W.P.No.10078 of 2015 has become infructuous.

5. In view of the fact that the period is already over and the contract also has come to an end, the challenge laid in W.P.No.12507 of 2015 to the consequential award of the tender has also become infructuous.

6. In view of the above, these Writ Petitions are dismissed as having become infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

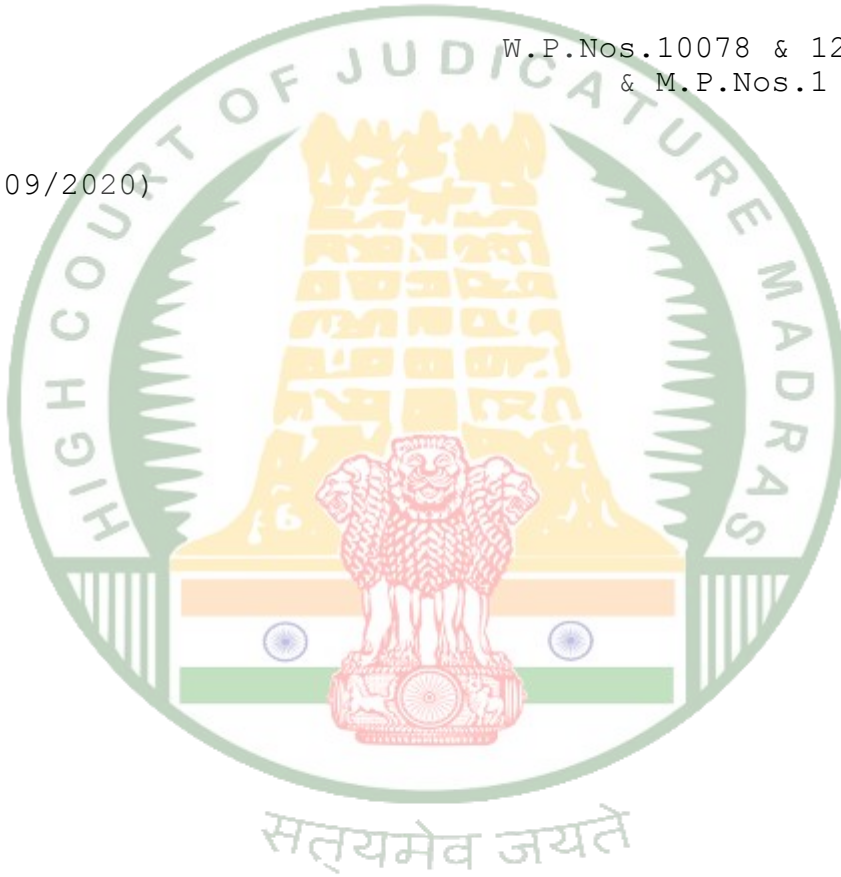
To

The Chief General Manager
(Township Administration),
Neyveli Lignite Corporation Ltd.
Block No.10, Neyveli - 607 801.

+2cc to Mr.P.Haribabu, Advocate, Sr.Nos.30638 & 30639

W.P.Nos.10078 & 12507 of 2015
& M.P.Nos.1 & 1 of 2015

mr (co)
rr ii (29/09/2020)



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