

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.8530 of 2020
and
WMP.Nos.10303 & 10304 of 2020

Sri Lakshmi Construction,
rep. by its Proprietor,
V.Munikrishnan,
Old No.86/5, New No.153, Palla Street,
Irungal Village, Sengadu Post,
Cheyyar Taluk,
Thiruvannamalai District. ... Petitioner

Vs.

- 1.The District Collector (Development),
Tiruvannamalai,
Tiruvannamalai District.
- 2.The Commissioner,
Panchayat Union, Peranamallur,
Vanthavasi Taluk,
Tiruvannamalai District-604 503.
- 3.The Block Development Officer,
Panchayat Union, Peranamallur,
Vanthavasi Taluk,
Tiruvannamalai District 604 503. ... Respondents.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, to call for the records, relating to the short term tender notification of the 3rd respondent proceedings in Na.Ka.VaA2/1870/2019 dated 01.06.2020 and quash the same consequently direct the respondents to issue fresh tender notification in accordance with law.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mr.Annai Ezhil, for RR1 & 2
Government Advocate.
Mr.R.Vijayakumar, for R3
Additional Government Pleader.

O R D E R

This writ petition has been filed challenging the tender notification issued by the 3rd respondent by proceedings dated 01.06.2020 and for consequential direction to issue fresh tender notification.

2.The 3rd respondent had filed a counter and the relevant portion of the counter affidavit is extracted hereunder:

"It is submitted that as per the notification the time limit for resubmission of the documents to be submitted on or before 18.06.2020 before 3.00 PM. As per Rule 20 of the Tamil Nadu Transparency in Tender Rules 2000,if the tender value is upto Rs.2 Crores in value the Tender inviting authority shall ensure 15 days time is provided. The 15 time as contemplated under the Act and Rules is calculated from the date of issuance of the Tender Notification i.e.,01.06.2020 and Tender was scheduled on 18.06.2020 i.e., 18 days from the date of issuance of the Notification. It is pertinent to point out that this respondent has not violated any rules and regulations as contemplated under the provisions of Rules as there were 16 clear days from the date of despatch of the Tender Notification 02.06.2020. Hence, it is submitted that the question of issuance of the fresh tender notification as alleged by the petitioner does not arise and the present Writ Petition is liable to be dismissed inlimine.

13. It is submitted that on the date of opening of the Tender i.e.18.06.2020 there were 6 Tenderers were participated and submitted their bids on time and paid the Earnest Money Deposit (EMD) by way of Demand Draft or through Money Order as contemplated under the Act and Rules. The tenderers are M/s.Sri Soundari Constructions, Mr.A.Chandran, Mr.Sriramalu, Mr.S.Murugan, M/s.Abi Constructions and Mr.R.Easwaran. The Petitioner is neither paid the Earnest Money Deposit (EMD) nor submitted the bids to participate in the Tender. Out of 6 Tenderers who participated, 2 Tenderers were rejected and tenders of M/s.Sri Soundari Constructions, Mr.Sriramalu, Mr.S.Murugan, M/s.Abi Constructions were accepted and subsequently the Work Order was also been issued on 18.06.2020. Further the works has been commenced and it is about to be completed. "

3.Heard Mr.E.Sathiyaraj, learned counsel appearing on behalf of the petitioner and Mr.Annai Ezhil, learned Government Advocate appearing on behalf of the 1st and 2nd respondents and Mr.Vijayakumar, learned Additional Government Advocate, appearing on behalf of the 3rd respondent.

4.It is clear from the counter affidavit that the tender in question had been issued for a work with a short duration and most of the work has been completed by the successful bidder. Proceeding further to deal with the writ petition on merits, is an unnecessary exercise at this stage. This Court expects the respondents to strictly follow Rule 20 of the Tamil Nadu Transparency in Tender Rules 2000 and ensure that adequate time is provided to all those who wants to participate in the tender. Except making this observation, no further orders can be passed in this writ petition.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector (Development),
Tiruvannamalai,
Tiruvannamalai District.

2.The Commissioner,
Panchayat Union, Peranamallur,
Vanthavasi Taluk,
Tiruvannamalai District-604 503.

3.The Block Development Officer,
Panchayat Union, Peranamallur,
Vanthavasi Taluk,
Tiruvannamalai District 604 503.

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UM(CO)
CB(16/02/2021)