

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8531 of 2020
and W.M.P.Nos.10305 and 10306 of 2020

S.Karthikeyan

... Petitioner

vs.

1.The Additional Chief Secretary to
Government of Tamil Nadu,
Municipal Administration and Water Supply Department
Secretariat, Chennai-600 009.

2.The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board
No.1, Pumping Station Road,
Chintadripet, Chennai-600 002.

3.The Purchase Manager,
Materials Department,
Chennai Metropolitan Water Supply and Sewerage Board
No.1, Pumping Station Road,
Chintadripet, Chennai-600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to Tender No.MAT/OT/010/2020 dated 26.05.2020 due on 01.07.2020 on the file of the third respondent and quash the same as illegal and ultra vires and to call for the tender for hiring of water tanker lorries of 16000 litres, 9000 litres and 6000 litres capacity on contract basis after the pandemic created by the Covid-19 has subdued and till then direct the respondents to operate the tanker lorries with the existing contractors at the prevailing rate.

For Petitioner :Mr.V.S.Jagadeesan

For Respondents:Mr.J.Ramesh,
Additional Government Pleader for R1
Mr.N.Ramesh for R2 and R3

ORDER

Challenging the tender notification dated 26.05.2020 issued by the third respondent, the petitioner has come up with this writ petition.

2.It is stated by the petitioner in the affidavit filed in support of this writ petition that tenders were called for by the respondents 2 and 3 herein in Tender No.MAT/OT/010/2020 dated 26.05.2020 for hiring of water tanker lorries of 16000 litres, 9000 litres and 6000 litres capacity on contract basis for three years, ie. from 2020 to 2023, effective from 01.07.2020. The last date for submission of tender forms has been fixed on 01.07.2020 at 15.30 hours. According to the petitioner, the tender has been called for at a time when COVID-19 pandemic is at its peak and he belongs to Nagapattinam. So, it would be very difficult for him to travel from Nagapattinam to Chennai every time to ensure that the respondents follow a fair procedure in the tender process as per the Act and Rules. Since Chennai and other three Districts are put to 100% lock down due to COVID-19 pandemic at this point of time, it may not be possible even for persons from Chennai to visit the office of the second and third respondents to submit their tenders. It is also stated that the respondents 2 and 3 have already collected acceptance letters from existing contractors to supply water with the existing terms and conditions at the prevailing rate up to 07.09.2020 and hence the respondents are comfortably placed in a position to get water supply at the current prevailing rate. The petitioner has also raised many other grounds as to the conditions imposed in the tender.

3.The learned counsel for the petitioner has submitted that due to COVID-19 situation, the petitioner is not in a position to travel from Nagapattinam to Chennai to submit the tender forms and since respondents 2 and 3 have already collected acceptance letters from existing contractors to supply water with the existing terms and conditions at the prevailing rate up to 07.09.2020, there is no compelling necessity for the respondents to call for tender, when there is no conducive atmosphere for ensuring the level playing field in the competition as regards the tender.

4.In response to the submissions made by the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned counsel for the respondents 2 and 3, have submitted that on account of the COVID -19 crisis, time for submission of tender forms is extended up to 30th July 2020 and hence, there would not be any difficulty for the petitioner to participate in the tender process on that date.

5. Recording the above submission made by the learned Additional Government Pleader appearing for the first respondent and the learned counsel for the respondents 2 and 3, the writ petition is closed, as the time for submission of tender forms has been extended up to 30.07.2020, however, leaving it open to the petitioner to approach the respondents for any other issues. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

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Government of Tamil Nadu,
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MP (CO)
CB (07/08/2020)

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