

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.15119 of 2020

and

WMP Nos.18866 to 18868 of 2020

M/s.Priyam Industries and Engineering Pvt Ltd.  
Reg Off.No.625, Surya Complex  
II Floor, Anna Salai  
Chennai- 600 006.

...Petitioner

.Vs.

1. The Commissioner  
Greater Chennai Corporation,  
Amma Maligai, IV Floor, Ripon Building,  
Greater Chennai Corporation.

2. Superintending Engineer  
Mechanical Department  
Greater Chennai Corporation  
Amma Maligai, IV Floor, Ripon Building  
Greater Chennai Corporation.

....Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the tender conditions issued by the 2<sup>nd</sup> Respondent in M.E.D.C.No.M1/2365 and 2194/2019 dated 01.10.2020 for 8 packages and the consequential corrigendum dated 13.10.2020 and quash the same and direct the Respondents 1 and 2 to issue a fresh tender for the Procurement of Battery operated Vehicles with Lithium ion battery for Greater Chennai Corporation in accordance with the rules and norms.

For Petitioner : Mr.Silambanan  
Senior Counsel  
for M/s.Kaavya Silambanan Associates

For Respondents: Mrs. Karthika Ashok learned  
Standing counsel

ORDER

This Writ Petition has been filed challenging the tender conditions issued by the 2<sup>nd</sup> respondent on 01.10.2020 and the consequential corrigendum dated 13.10.2020 and also seeking for a direction directing the respondents 1 and 2 to

issue a fresh tender for the Procurement of Battery operated Vehicles with Lithium ion battery for Greater Chennai Corporation.

2. This Court passed the following order on 16.10.2020.

Mrs. Karthika Ashok learned Standing counsel takes notice for the respondents. Mr. Silambanan, learned Senior counsel appearing on behalf of the petitioner, broadly raised two issues in this Writ petition. The first issue is with regard to the violation of Rule 20 of the Tamil Nadu Transparency in Tenders Rules, 2000. The learned Senior counsel submitted that the tender value is Rs.37.50 crores and the rule specifically provides that there should be a time limit of 30 days from the date of submission of the tender. According to the Senior Counsel, the date of publication of tender was on 1.10.2020 and later a corrigendum was published on 12.10.2020 and the last date for submission of the application has been fixed on 21.10.2020. Therefore, there is violation of Rule 20 of the Rules.

2. The learned Standing Counsel appearing on behalf of respondents submitted that the last date has been extended upto 02.11.2020. Therefore, the learned Counsel submitted that sufficient time has been provided as contemplated under the Rules.

3. The second issue that has been raised by the learned Senior counsel is with regard to some of the new improvements that were made in the corrigendum that was issued on 12.10.2020. In reply to the said submission, the learned Standing Counsel submitted that any grievance expressed by the participants will be taken into consideration by the respondents and the petitioner can also submit his objections before the respondents. The learned counsel submitted that similar such complaints are received from other participants also.

4. In view of the specific stand taken by the respondents and after recording the submissions of the learned standing counsel for the respondents, this case is posted under the caption 'for orders' on 03.11.2020. Meanwhile, the respondents are required to file their counter affidavit."

3. Mr. Silambanan, learned Senior Counsel appearing on behalf of the petitioner submitted that the grievance expressed by the participants in tender was taken into consideration by the Chennai Corporation and most of it have

been accepted. The learned Senior Counsel further submitted that the petitioner has also participated in the tender and submitted their bid.

4. In view of the above development, no further orders are required to be passed in this Writ Petition and accordingly, the same is closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar (LA)

//True copy//

Sub Assistant Registrar

To

1. The Commissioner  
Greater Chennai Corporation,  
Amma Maligai, IV Floor, Ripon Building,  
Greater Chennai Corporation.
2. Superintending Engineer  
Mechanical Department  
Greater Chennai Corporation  
Amma Maligai, IV Floor, Ripon Building  
Greater Chennai Corporation.

+1cc to M/s.Karthika Ashok, Advocate SR.No.35711

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