

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16008 of 2020
& W.M.P.No.19920 of 2020
(Heard through VC)

Sri Masadachi Amman Construction,
Represented by its Managing Partner R.Sundaram,
3/1-F, Snthaipettai, Singalanthapuram Post,
Rasipuram Taluk, Namakkal District ... Petitioner

vs

1. The Chief Engineer in Chief (General),
Public Works Department (Buildings),
Chepauk, Chennai 600 005.
2. The Chief Engineer,
Public Works Department (Buildings),
Chengulam Colony, Circuit House,
Trichy - 20.
3. The Superintending Engineer,
Public Works department,
Building (Construction and Maintenance) Circle,
P.B.No.724, Kumarasmipatti Post,
Salem 636 007 ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the third respondent to receive the petitioner's tender application in respect of Short Term Tender Notice No.14/2020-2021/SE/B (C & M) C/Slm dated 15.09.2020 and to permit the petitioner to participate in the above tender process.

For Petitioner : Mr.A.M.Esakkiappan

For Respondents: Mr.V.Shanmugasundar,
Special Government Pleader

ORDER

The petitioner-Company has filed the above writ petition to issue a Writ of Mandamus, directing the third respondent to receive their application in respect of Short Term Tender Notice No.14/2020-2021/SE/B (C & M) C/Slm, dated 15.09.2020 and to permit them to participate in the above tender process.

2. Earlier on 09.10.2020, this Court had an occasion to deal with the very same tender notice in a Writ Petition No.14532 of 2020 moved by yet another petitioner seeking a direction to the third respondent to extend the last date for submission of tenders in No.14/2020-2021/SE/B (C&M) C/Slm dated 15.09.2020 by thirty days.

3. When the matter was taken up for hearing, it was informed by the learned Special Government Pleader appearing for the respondents that the tender, which was scheduled to be opened at 3.30.p.m on 09.10.2020, was extended upto 3.30.p.m on 22.10.2020.

4. Despite extending the time for submission of tenders, the present petitioner had admittedly forwarded their tender forms only on 21.10.2020 by post at Salem attaching all the relevant documents. The last date and time for receipt of the tender application form was fixed at 3.00 p.m on 22.10.2020. It is now stated that the third respondent had made an endorsement as "refused" and returned to the sender (petitioner) on 22.10.2020. Hence, the petitioner has moved this Court seeking a direction to accept his tender application.

5. The petitioner also is said to have sent an e-mail on 23.10.2020 to the third respondent to accept their tender application. However, there is no reason stated by the petitioner for waiting till the last date of tender opening process and sent the tender form only on 22.10.2020. The petitioner is also unable to establish that his tender covers were delivered to the third respondent before 3.00 p.m. on 22.10.2020. In such circumstances, the petitioner cannot have any grievance that the third respondent has returned his cover.

6. The learned Special Government Pleader also states that the tender process is over and the successful bidder has already been declared. Hence, it will be an unnecessary exercise even to accept the application of the petitioner, having deliberately delayed in sending it on the last date and he cannot take advantage of his own mistake.

7. In the light of the above, there are no merits in the case and the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Chief Engineer in Chief (General),
Public Works Department (Buildings),
Chepauk, Chennai 600 005.
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P.B.No.724, Kumarasmipatti Post,
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+lcc to M/s.A.Esakkiappan, Advocate Sr.36253

सत्यमेव जयते

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ajs[col]
srg 04/12/2020

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