

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.18644 of 2019

and

WMP No.17965 of 2019

K.Ramachandran

... Petitioner

vs

- 1 The Union of India
Rep by its Secretary to Government
Ministry of Road Transport and Highways
New Delhi 110 001.
 - 2 The National Highways Authority of India,
Rep by its General Manager
(Commercial Operations)
G5 and G6 Sector 10,
Dwaraka, New Delhi 110 075.
 - 3 The Regional Officer (Chennai)
National Highways Authority of India
SP 34 Industrial Estate
Shree Towers 3rd Floor,
Guindy, Chennai 32.
 - 4 The Regional Officer (Madurai)
National Highways Authority of India
Vijayakrishna Plaza, 2nd and 3rd Floors
No.1 Lake Area Mellur Main Road
Maattuthavani, Madurai 625 007.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the respondents to forthwith permit the petitioner to take part in tender process for user fee collection in respect of "RFQ" 2018-2019, receive the bid for user-fee collection without reference to the pending disputes and consider the same in a neutral and impartial manner.

(Prayer amended vide order dated 03.07.2019, made in WMP No.18106 of 2019 in W.P.No.18644 of 2019 by PDAJ)

For Petitioner : Mr.S.Ramesh

For Respondents: Mr.Su.Srinivasan
CGSC

O R D E R

The petitioner seeks for a mandamus directing the respondents to forthwith permit the petitioner to take part in tender process for user fee collection in respect of "RFQ" 2018-2019, receive the bid for user-fee collection without reference to the pending disputes and consider the same in a neutral and impartial manner.

2. Heard both sides.

3. The grievance of the petitioner is that certain disputes arose between the petitioner and the respondent in respect of earlier contracts, which is under arbitration proceedings and they are pending. Therefore, it is contended by the petitioner that citing the pendency of those proceedings, the petitioner cannot be prevented from taking part in the fresh tender process.

4. A counter affidavit is filed on behalf of the respondents, wherein it is stated that the petitioner is still eligible to submit fresh application along with requisite documents and common bid security under new RFU dated 01.10.2019 valid for a period from 01.10.2019 to 30.10.2020 hosted in public domain by NHAI on its website.

5. Learned counsel for the respondents submitted that though the petitioner is entitled to submit fresh application with requisite documents, still he is bound to satisfy with the terms and conditions of the tender notification.

6. Recording the above stand taken by the learned counsel for the respondents, this writ petition is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vri

To

- 1 The Union of India
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+1cc to Mr.S.Ramesh, Advocate SR.No.20452

+1cc to Mr.Su.Srinivasan, Advocate SR.No.20135

+1cc to Mr.K.Sasikumar, Advocate SR.No.20957

W.P.No.18644 of 2019

NR(CO)
GMY(22/05/2020)



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