

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.01.2020

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.31855 of 2019 and
W.M.P.Nos.32100, 32102
and 32105 of 2019

M/s.Runjith Water Suppliers,
represented by its proprietor
Mr.M.Rajaprakasam ... Petitioner

...Vs...

National Institute of Fashion Technology
Ministry of Textiles, Govt. of India,
(A Statutory Institute governed
by the NIFT Act 2006)
Rajiv Gandhi Salai, Taramani,
Chennai - 600 113,
represented by its Director, ... Respondent

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari, to
call for the records connected with the "Notice Inviting Tender"
for Tanker Water supply issued by the respondent herein, the
same published in Daily Thanthi Tamil Newspaper, vide
advertisement dated 03.11.2019 and to quash the same.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.Srinivasamurthy,
Special Central Government
Standing counsel

O R D E R

The petitioner, Ranjith Water suppliers represented by its
proprietor M.Rajaprakasam had filed the present writ petition in
the nature of Certiorari to call for the records of the
respondent namely National Institute of Fashion Technology,
Ministry of Textiles, Government of India at Chennai
communicated with "Notice Inviting Tenders" for Tanker water
supply as advertised in the Tamil news paper Daily Thanthi dated
03.11.2019 and quash the same.

2. In the affidavit filed in support of the writ petition, the petitioner claims that he is engaged in supply of potable water to customers including the respondent from the year 2004 and he also claims that he has an unblemished record. It is stated that he is also registered with the Ministry of Micro, Small and Medium Enterprises (MSME) and a registration Certificate has also been issued to him. The respondent required water supply to be made to their premises, at Chennai. The petitioner participated in the tender offered by the respondent. It is seen that there were three advertisements for the very same work. One was the advertisement dated 21.07.2019, wherein it was stated that the tender document can be downloaded from the website and a tender fee of RS.1120/- and the EMD (Earnest Money Deposit) of Rs.50,000/- must be deposited by the prospective participants and they must give separate quotations for supply of 12,000 Ltrs, 24,000 Ltrs and 36,000 Ltrs capacity. There were three participants. The petitioner had not given his quotation for the supply of 12,000 Ltrs capacity.

3. The learned counsel for the petitioner during the hearing disputed this contention and stated that he has been instructed that the petitioner had infact quoted the price for 12,000 Ltrs water supply also.

4. Therefore, on the previous hearing date, this Court had thought it fit that records be summoned from the respondent. Accordingly, the respondent produced the records and the same has also been perused by this Court. The bid offered by the petitioner was Rs.2,300/- for 24,000 liters capacity and Rs.3,450 for 36,000 Ltres capacity. The petitioner had not quoted the rate for supply of 12,000 Ltres capacity of supply of water. Naturally when he had not quoted, his bid cannot be accepted. He was therefore, disqualified. The other two participants were also disqualified since they had not deposited the EMD amount as stipulated. As a result, all the three participants stood disqualified.

5. The respondent still required supply of water. Therefore, they published a 2nd advertisement which can be termed as the 2nd tender. This was by an advertisement dated 01.09.2019. The records were produced since the facts have been disputed by the learned counsel for the petitioner. It is seen that in the 2nd tender, with respect to 90,000 to 1,10,000 Ltres to be supplied for the campus of National Institute of Fashion Technology with respect to the three different corridors, for supply of 12,000 Ltres, 24,000 Ltres, 36,000 Ltres, the petitioner herein had quoted Rs.840/-, Rs.1,920/- and Rs.3,168/- respectively which totally adds upto Rs.5,928/-.

6. On the other hand, M/s. Sri Murugan Water Supply had also participated in the tender and had quoted Rs.1,300, Rs.1,710/- and Rs.1,890/- respectively for the three capacity of water supply with a total amount of Rs.4,900/-. It is stated that subsequently, the said participant did not come forward to satisfy the further conditions imposed by the respondent herein.

7. In the next and last tender, it is seen that the 2nd lowest tenderer was M/s.Kongu transports, Chennai who gave a total amount of Rs.5,190/-. The other bidder M/s. Sri Murugan Water Supply gave a total amount of Rs.4,900/-. The petitioner had quoted above Rs.5,928/- which is nearly Rupees 1,000/-more than the lowest tender.

8. It is at that stage when the 3rd advertisement was issued, the petitioner had come before this Court questioning the respondent's act of inviting the 3rd tender. Again the facts stated in the counter was disputed by the learned counsel for the petitioner. Therefore, the records were again called for. The facts stated about the water supply rates quoted by each one of the participants was extracted and produced by the respondent.

9. The Court cannot accept the contention that the respondent had created records. The records have been verified by Additional Director, Administrative Officer, HR and professors. Each one of the four officials have signed in the said records. It is seen from the same, that the petitioner has quoted from Rs.5,928/- and was classified for L3, L1 is Rs.4900 which was more than Rs.1000/- the petitioner had quoted. L1 namely M/s. Sendhur Murugan Water Supply had not opted to participate any further.

10. I find no reason to accept the contention raised by the learned counsel for the petitioner that the act of the respondent is malafide and there were illegalities or irregularities in the entire process. The records as available have been perused by the Court.

11. It is in this situation that the respondent had called for the 3rd tender. Records have also been produced. The least amount which is quoted by M/s.Kongu Transports, Chennai is Rs.4,696/-. The petitioner had given a high amount of Rs.5,624/-. By no scope of imagination can the petitioner compete with the tender quoted by the least tender.

12. In view of all these facts, I am not inclined to accept the case of the petitioner. Accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

13. The respondent is permitted to ahead with the tender. The records after perusal shall be returned to the counsels appearing for the respondent and the petitioner is permitted to take a copy of the same.

Sd/-
Assistant Registrar(CS-VI)

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Sub Assistant Registrar

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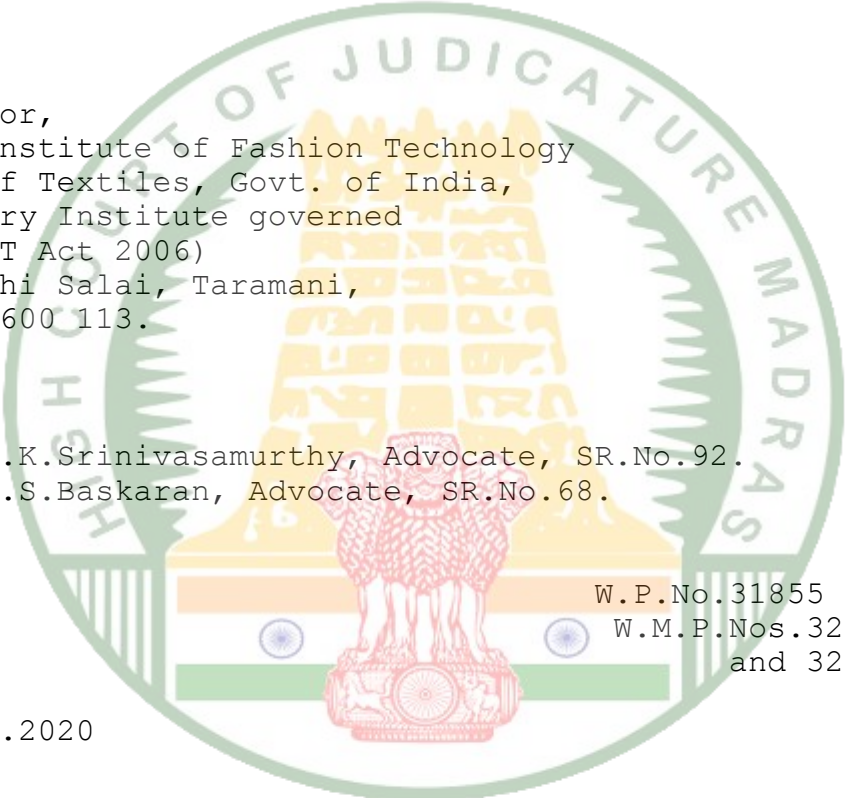
The Director,
National Institute of Fashion Technology
Ministry of Textiles, Govt. of India,
(A Statutory Institute governed
by the NIFT Act 2006)
Rajiv Gandhi Salai, Taramani,
Chennai - 600 113.

+1cc to Mr.K.Srinivasamurthy, Advocate, SR.No.92.

+1cc to Mr.S.Baskaran, Advocate, SR.No.68.

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GMR (CO)
CSR: 10.03.2020



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