



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.6632 of 2020 and

WMP (MD)No.5983 of 2020

M/s.Andavar Traders,
Proprietor Mr.Khader Meera Sahib,
Handling & Transport Contractor,
No.4/595, Angalaparameswari Nagar,
Collectorate (P.O),Dindigul.

...Petitioner

Vs.

1. The Regional Manager,
Central Warehousing Corporation,
Regional Office,
No.4, North Avenue, Srinagar Colony,
Saidapet, Chennai - 600 015.

2. Sri Balaji Transport Erode,
10/3, "Om Towers",
143B, Swasthik Complex,
Opposite to Royal Theatre,
Near Nalli Hospital, Erode - 11.

3. N.Kumaresan,
Transport Contractor,
118/12, Madurai Road,
Tirunelveli - 1.

4. Sincere Transport Corporation (F),
Handling and Transport Corporation,
No.L5/76,T.N.H.B.Colony,
Railar Nagar, Madurai - 18.

...Respondents

(R2 to R4 Suo Motu impleaded vide Court Order dated 13.07.2020 in WP(MD)No.6632/2020 by GRSJ)

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to cancel the E-Tender Notification issued by the respondent vide CWC/RO-CNI/HT&T-TNJ/2020-21 dated 03.04.2020 for appointment of regular handling and transport contractor at Central Warehousing at Thanjavur, Hosur, Virudhunagar and Tuticorin consequently directing the respondent to issue fresh/re-tender notification for appointment of regular Handling and Transport Contractor at Central Warehousing at Thanjavur, Hosur Virudhunagar and Tuticorin, after giving sufficient opportunity to the bidder taking into account of the lockdown announced by the Government.

For Petitioner : M/s.D.Shanmugaraja Sethupathi



For Respondents : For R1 - Mr.Thirunavakuarasu Rajabhather
Standing Counsel

For R2 - Mr.A.S.Jayaganesh

O R D E R

Heard the learned counsel on either side.

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2. The petitioner wanted to take part in the impugned tender process. His grievance was that on account of COVID -19, he could not take part in the same. However, aggrieved by the fact that the respondent had gone ahead and finalised the entire tender process and alleging that he lost his opportunity to take part in the tender process, the Writ Petition has been filed.

3. When the matter was taken up for disposal, the learned counsel for the respondents drew my attention to the Writ Petition filed before the Principal seat by M/s.Sri Kaligambal Transport situated at Choolai, Chennai 600007 in W.P.No.9887 of 2020. Before the Principal seat, their contention is that the impugned tender process should not be processed further on account of COVID-19 and they should be given extension of time. The learned judge, who heard the said Writ Petition by order dated 29.07.2020 rejected the request in the following terms

5. The grievance of the petitioner is that the tender floated by the respondents should not be processed further during COVID-19 pandemic period. Therefore, they seek extension of time. I do not think that the petitioner's prayer can be entertained since facilities are made by giving e-passes to the persons, who are willing to participate in the tender. Therefore, the petitioner cannot cite COVID-19 as a reason for postponing the tender. Therefore, I find no merits in the Writ Petition. Accordingly, the Writ Petition stands dismissed.

4. Since the grievance espoused by similarly placed contractors has been negatived by the Principal seat, I cannot take a different stand here. Hence, the Writ petition stands dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

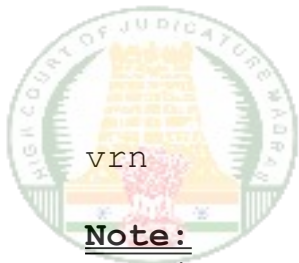
Sd/-

Assistant Registrar (RECORDS)

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/ /2020

Sub Assistant Registrar (CS)



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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