



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8411 of 2020

WEB COPY

R.Muthukumar

... Petitioner

Vs.

- 1.The Superintending Engineer,
Highways (Construction & Maintenance),
Trichy Circle, Trichy.
- 2.The Divisional Engineer (Quality Control),
Highways, Trichy.
- 3.Palani,
The Superintending Engineer,
Highways (Construction & Maintenance),
Trichy Circle, Trichy.
- 4.Nirmala,
The Divisional Engineer (Quality Control),
Highways, Trichy.
- 5.MMG Infra Tech Private Limited,
Rep. by its Managing Director,
Murugesan, Contractor,
No.47, Ezhil Nagar,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent with regard to package No.124 in tender notice No.21/2020-2021/HDO/ dated 15.06.2020 and quash the impugned order passed by the first respondent in letter No.1183/2020 dated 08.07.2020 rejecting the petitioner's tender bid for the above said tender and to ensure that the tender process is finalized in accordance with law.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 & R2 : Mr.S.R.Rajagopal,
Additional Advocate General,
Assisted by, Mr.M.Rajarajan, AGP

For R5 : Mr.G.Prabhu Rajadurai

<https://hcservices.ecourts.gov.in/hcservices/>

For R3 : Mr.S.Praveennath



ORDER

Heard the learned counsel appearing on either side.

2.The petitioner herein challenges the rejection of his technical bid by the impugned order dated 08.07.2020. The subject tender process pertains to Package No.124 in tender notice No.24, dated 15.0.2020. The last date for the submission of the tender was 06.07.2020. The tender process was finalized on 15.07.2020 and work order was also issued on the same date. The petitioner had earlier moved this Court by filing W.P.(MD)No.7374 of 2020 to permit him to take part in the said tender process. On 07.07.2020, I passed the following order:-

5.The learned Additional Advocate General, on instructions, would submit that if the petitioner had submitted the relevant tender forms through online and if they are not found to be in order and they are liable to be rejected, the concerned authority will issue orders in writing to the defect immediately to the petitioner herein. He further states that all the tender forms will be considered as per the terms and conditions set out in the tender notification.

3.It is not in dispute that the impugned rejection order was communicated to the writ petitioner on 08.07.2020 itself. It is seen that the petitioner moved this Court only on 27.07.2020, by which time more than 12 days have lapsed after the issuance of the work order.

4.The learned Additional Advocate General states that works have been substantially completed and therefore, nothing survives for consideration.

5.It is obvious that the petitioner did not fulfill the eligibility condition. The validity of the eligibility condition has also not been put to challenge. In any event, the petitioner had not moved this Court immediately after the rejection order or before the issuance of the work order. Therefore, I do not find any ground in this writ petition. The writ petition stands dismissed, accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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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.

To

1.The Superintending Engineer,
Highways (Construction & Maintenance),
Trichy Circle, Trichy.

2.The Divisional Engineer (Quality Control),
Higways, Trichy.

+1 CC to SGP (SR-16140[F] dated 07/09/2020)

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04.09.2020

KM (16.09.2020) 3P 4C