



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.9734 of 2020 and

WMP (MD) Nos.8738,8739,8750,8751,9435 and 9437 of 2020

M.Lakshmi

...Petitioner

Vs.

1.The Government of Tamilnadu,
Rep by its Superintending Engineer,
Highways Department,
Construction and Maintenance (C&M),
Tirunelveli Circle,
Tirunelveli.

2.Kumar, NHA Associates,
No.664, 8A1, T.V.M.Road,
Near Bus Stand,
Tirunelveli - 627 005.

...Respondents

(R2 is impleaded vide Court order dated 04.09.2020 in WMP(MD) No.9433/2020 in W.P.(MD) No.9734 of 2020 by GRSJ)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of confirmation of bid dated 27.08.2020 and the Tender Notice issued by the respondent in impugned Tender Notice No.5/2020-21/HDO dated 02.06.2020 in package No.39 in so far as 2.2.1.(III) sub clause 9 of the impugned tender notification and impugned proceedings of the respondent in LR.No.TRP-51/2020/D1/Dated 12.08.2020 and quash the same and consequently directing the respondent to consider the tender of the petitioner without refering to the sub clause 9 of the general conditions imposed in 2.2.1(III) of the package No.39.

For Petitioner : Mr.Veerakathiravan
Senior Counsel for
M/s.Veera Associates

For Respondents : Mr.S.R.Rajagopal,
Additional Advocate General,
Assisted by
Mr.M.Rajarajan
Additional Government Pleader

O R D E R

Heard the learned counsel appearing for the writ petitioner.



2. The petitioner challenges the rejection of his technical bid. It is seen that Clause 2 of the tender notification clearly states that the applicant should demonstrate that he has access to, or has available liquid assets of not less than 10% of the contract value. It was also made clear that cash-flow may be taken as 10% of the estimated value of contract i.e Rs.57.21 Lakhs. The petitioner has not enclosed any material along with the tender application to satisfy this clause. The petitioner could have produced Bank Guarantee or some letter of understanding with any banker. The petitioner has failed to satisfy the requirement. The rejection of the petitioner's tender application at the technical stage was justified. I sustain the rejection order. The Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vrn

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:

The Government of Tamilnadu,
Rep by its Superintending Engineer,
Highways Department,
Construction and Maintenance (C&M),
Tirunelveli Circle, Tirunelveli.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-17012[F] dated 16/09/2020)

+1 CC to SPL GP (SR-17134[F] dated 16/09/2020)

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