



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD) No.11866 of 2019

and

W.M.P. (MD) No.8964 of 2019

M/s.Vasanth Electricals,
Represented by its Sole Proprietor,
M.Manikandan, 31A, Anna Nagar,
Subramaniyapuram, Trichy-620 020.

... Petitioner

-Vs-

1. The Superintending Engineer,
Tamil Nadu Police Housing Corporation Limited,
South Circle, No.1, Inspector Quarters,
TSP VI Battalion Campus,
New Natham Road, Madurai-625 014.

2. M.Mohammed Hussain, (Police Housing Contractor),

... Respondents

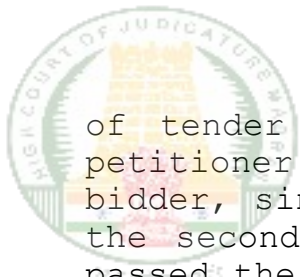
Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the first respondent dated 28.02.2019 in Lr.No.DB/SC/758/2019(2) and quash the same and in consequence thereof award the work covered in Part-I of the tender notification in 62/18-19 File No.DB/SC/758-A/2019 to the petitioner.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1	: Mr.K.P.Krishnadoss, Special Government Pleader.
For R2	: No Appearance

ORDER

The petitioner has come forward with this Writ Petition to quash the impugned order passed by the first respondent dated 28.02.2019 and to award the work covered in Part-I of the tender notification in 62/18-19 File No.DB/SC/758-A/2019 to the petitioner.

2.According to the petitioner, he is the sole Proprietor of M/s.Vasanth Electricals and carried on business as Electrical Contractor with Public Works Department in the year 2009. The first respondent, by his order dated 21.02.2019, has invited tender for providing wired electrical fencing to the top of the surrounding perimeter wall at Central Prison, Trichy. The last date for receipt



of tender application has been fixed as 28.02.2019, wherein the petitioner has also participated and was declared as successful bidder, since he has quoted 14.5% less than the estimated cost than the second respondent. In the meantime, the first respondent has passed the impugned order dated 28.02.2019, rejecting the tender of the petitioner without assigning any reason, however, the same has been received by the petitioner only on 22.03.2019. When the petitioner asked the reason for rejecting the tender application under the Right to Information Act, 2005, the first respondent has stated that the petitioner has not enclosed the copy of the Proprietorship Deed registered with the concerned registrar office. Challenging the same, the petitioner has come forward with this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that the tender application of the petitioner has been rejected by the first respondent without assigning any reason and under Right to Information Act, there is an information that details of the partners have not been furnished and the petitioner is the sole Proprietor and the question of partnership deed or furnishing the list of partners does not arise.

4.The learned Special Government Pleader appearing for the first respondent would submit that the work has been allotted to the second respondent and the work has been completed as early as in the year 2019.

5.In view of the submission made by the learned Special Government Pleader appearing for the first respondent, nothing survives in the Writ Petition for further adjudication. However, this Court makes it very clear that the decision taken by the Corporation on 28.02.2019 is deprecated as without ascertaining whether the petitioner concern is sole proprietor concern or partners concern, the impugned order has been passed.

6.Accordingly, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr



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 Superintending Engineer,
Tamil Nadu Police Housing Corporation Limited,
South Circle, No.1, Inspector Quarters,
TSP VI Battalion Campus,
New Natham Road, Madurai-625 014.

Order made in
W.P. (MD) No.11866 of 2019
08.10.2020

SR (CO)
CS (19.10.2020) 3P 2C