

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.3085 of 2021

&

W.M.P.No.3472 of 2021

Sri Ganesh Lakshmi Construction India Private Limited,
Rep. by its Director,
R.Veerakkumar.

.... Petitioner

Vs.

1.The Chief Engineer,
NABARD and Rural Road,
Chepauk, Chennai - 5.

2.The Superintendent Engineer,
NABARD and Rural Road,
Salem, Salem District.

3.The Divisional Engineer,
Highways, Quality Control Division,
No.39, Chikkanna College Road,
Highways Office Complex,
Tiruppur.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the second respondent to entertain the petitioner's tender without enclosing the plant current working condition certificate and decide the same on merits.

For Petitioner :Mr.C.Prakasam

For Respondents :Mr.V.Anandha Moorthy
Special Government Pleader

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the second respondent to entertain the petitioner's tender without enclosing the plant current working condition certificate and decide the same on merits.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.V.Anandha Moorthy, learned Central Government Standing Counsel for the respondents.

3. As directed by this Court dated 10.02.2021, a report has been filed by the third respondent. The third respondent has inspected the machineries belonging to the petitioner on various locations and has stated that the machineries are not available at the same place. According to them, only due to the aforementioned reason, they were unable to issue machinery working condition certificate to the petitioner. However as seen from the report dated 11.02.2021 submitted before this Court, all the machineries are very much available and hence, this Court is of the considered view that the third respondent will have to necessarily issue the machinery certificate to the petitioner which is a mandatory requirement under the tender condition.

4. Accordingly, this Court directs the third respondent to issue machineries working condition certificate to the petitioner in respect of the machineries which the third respondent had inspected on 10.02.2021 & 11.02.2021, pursuant to the order of this Court dated 10.02.2021. However, it is made clear that in the future, the petitioner will have to keep all the machineries in the same place to enable the respondents to inspect and issue machinery working condition certificate to the petitioner.

5. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chief Engineer,
NABARD and Rural Road,
Chepauk, Chennai - 5.
- 2.The Superintendent Engineer,
NABARD and Rural Road,
Salem, Salem District.
- 3.The Divisional Engineer,
Highways, Quality Control Division,
No.39, Chikkanna College Road,
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+1cc to the Government Pleader SR.8069

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AK-I (CO)
CB(02/03/2021)



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