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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.12778 of 2021

and

W.M.P.No.13575 of 2021

P. Thamaraiselvan

... Petitioner

Vs

1. The Government of Tamil Nadu
Rep by its Principle Secretary,
Department of Forest and Environment,
St.George Fort, Chennai-600 009.
2. The Managing Director,
M/s. Tamil Nadu Tea Plantation Corporation Limited,
Tantea Complex, Coonoor-643 101
Nilgiris District.
3. The Divisional Manager, Ryan Tea Factory,
M/s. Tamil Nadu Tea Plantation Corporation Limited,
Chinchona (post), Valparai-642 106.
Coimbatore District.
4. Balaji Ganeshan,
Mookabigai Enterprises,
New Market, Valparai-642 127
Coimbatore District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned tender allotment order in Ref.No.M3/234/21 dated 25.02.2021 issued by the 2nd respondent in favour of the 4th respondent and quash the same, consequently directing the 2nd respondent to reconsider the eligibility of the petitioner to bid for the tender and allot tender to the petitioner, subject to satisfying the bid requirements.

For petitioner : Mr. S. Saravanan

For R1 : Mrs. C. Sangamithirai,
Special Government Pleader



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For R2 & R3 : Mrs. E. Vijay Anand,
Additional Government Pleader

For R4 : M/s. R. Sasikumar

ORDER

The present petition has been filed seeking quashment of the impugned order dated 25.02.2021 passed by the 2nd respondent herein in favour of the 4th respondent and a direction to the 2nd respondent to reconsider the eligibility of the petitioner for allotment of the tender to the petitioner.

2. The case of the petitioner is that the petitioner being one of the registered contractors under the Tamil Nadu Plantation Corporation Limited, Coonoor for past several years, had participated in the tender for transport of packed teas for the year 2021-2022, called for by the 2nd respondent. Though the petitioner duly participated in the tender and quoted his bid in accordance with the terms and conditions of the tender notice, the 2nd respondent has awarded a tender vide impugned order dated 25.02.2021 in favour of the 4th respondent herein, who had violated the terms and conditions of the Tender Schedule for transport of Packed Tea 2021-2022 by misrepresenting the facts. Aggrieved by the same, the petitioner made a representation dated 27.04.2021 to the respondents 1 to 3 to conduct proper enquiry between the petitioner and the 4th respondent and pass orders on the same. However, till date, the same has not been considered by the respondents. Hence, the present petition has been filed.

3. Though the present petition has been filed seeking quashment of the impugned order dated 25.02.2021 passed by the 2nd respondent herein, when the matter is taken up for hearing, learned counsel for the petitioner submits that it would suffice, if this Court without interfering in the impugned order, directs the 2nd respondent to consider the petitioner's representation dated 27.04.2021 and reconsider the eligibility of the petitioner for allotment of tender and pass appropriate orders on the same, within the time frame fixed by this Court.

4. Learned counsel for the respondents have no objection to the said order being passed.

5. In view of the limited relief sought for by the learned counsel appearing for the petitioner, this Court without going into the merits of the case and the impugned order,



directs the 2nd respondent herein to conduct the enquiry between the petitioner and the 4th respondent herein as to whether the terms and conditions prescribed in the Tender Schedule have been violated by the 4th respondent, pursuant to the representation made by the petitioner and pass appropriate orders on the same, in accordance with law within a period of four weeks from the date of receipt of a copy of this Order.

6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Principle Secretary
The Government of Tamil Nadu,
Department of Forest and Environment,
St.George Fort, Chennai-600 009.
2. The Managing Director,
M/s. Tamil Nadu Tea Plantation Corporation Limited,
Tantea Complex, Coonoor-643 101
Nilgiris District.
3. The Divisional Manager, Ryan Tea Factory,
M/s. Tamil Nadu Tea Plantation Corporation Limited,
Chinchona (post), Valparai-642 106.
Coimbatore District.

+1cc to M/s.S.Saravanan, Advocate, S.R.No.68265

+1cc to the Special Government Pleader (Forest), S.R.No.68544

W.P.NO.12778 of 2021

KSM(CO)
SU(07/02/2022)