



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.18596 of 2021 and WMP.Nos.19837 & 19838/2021

K.P.Neelaraman

...Petitioner

-Vs-

1.The District Collector
O/o.The District Collector Office
Chengalpet District.

2.The Block Development Officer/
Special Officer, O/o.Block Development Office,
Panchayat Union, Ilathoor, Cheyyur Taluk
Chengalpet District.

3.The Special Officer/Block Development Officer
O/o.Block Development Office,
Ammanur Panchayat, Lathoor Panchayat Union
Chengalpet District.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to proceed with tender process which is scheduled to be held on 27.08.2021 at about 3 p.m., pursuant to the tender notification issued by the 1st respondent bearing Se.Mu.Na.Ka.En631/2021/A2-O.E.[OO] dated 18.08.2021 and Na.Ka.En.633/2021/A4.UE[OO] dated 23.08.2021.

For Petitioner : Mr.R.Thirumoorthy

For R1 : Mr.A.Selvendran
Government Advocate

For RR2 & 3 : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This writ petition was filed challenging the tender notification issued by the first respondent.



2. When the matter came up for hearing on 21.09.2021, this Court passed the following order.

"A reading of the status report shows that, the tender notice is dated 19.08.2021 and the last date for receiving the applications was on 26.08.2021 and the bid was opened on 27.08.2021 wherein only two persons had participated.

2. The status report is completely silent with regard to the non-compliance of Rule 20 of the Tamil Nadu Transparency in Tender Rules 2000. The learned counsel appearing on behalf of the respondents submitted that, the Collector had exercised powers under Section 20(2) of the Rules and reduced the time limit considering the urgency of the work. For this purpose, the proceeding of the Collector dated 18.08.2021 was brought to the notice of this Court. This proceeding of the District Collector, Chengalpattu does not anywhere state regarding the reduction of the time as contemplated under Rule 20 (2). The proceeding merely lists the number of works that are pending in each Panchayat and permission has been given to the Block Development Officer to proceed further to carry out these works. This proceeding cannot be taken to be issued under Rule 20 (2) of the Rules.

3. The reduction of time is only an exception and therefore, while this exception is made use of for reducing the time, reasons must be given as to why the time is reduced and what is the urgency that is involved in the work. If this is not done, it will lead to arbitrariness and every tender issued by reducing the time will be justified by quoting Rule 20(2) of the Rules. Therefore, the learned counsel has to necessarily place before this Court the specific order passed in this regard, failing which this Court will have no other option except to interfere with the tender and issue further directions for calling a fresh tender.

4. Post this case under the same caption on 28.09.2021."

3. When the matter was taken up for hearing today, the learned Government Counsel submitted the written instructions received from the third respondent. It is seen from the written instructions that the third respondent has cancelled the tender and has sought for permission to conduct a fresh tender by following the Tamil Nadu Transparency in Tender Rules 2000.



WEB COPY

4. Recording the same, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The District Collector
O/o.The District Collector Office
Chengalpet District.
- 2.The Block Development Officer/
Special Officer, O/o.Block Development Office,
Panchayat Union, Ilathoor, Cheyyur Taluk
Chengalpet District.
- 3.The Special Officer/Block Development Officer
O/o.Block Development Office,
Ammanur Panchayat, Lathoor Panchayat Union
Chengalpet District.

+1cc to the Government Pleader, S.R.No.57611

W.P.No.18596 of 2021

GSM(CO)
RVM(23/11/2021)