

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 24.02.2021	Delivered on 24.03.2021
---------------------------	----------------------------

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 16259 of 2020
and
W.M.P.No. 20321 of 2020

M/s.Sumathi Construction,
Rep. By its Proprietor,
Mr.R.Chandrakannan,
Having office at No.17/1,
Adam Shahib Street,
Royapuram,
Chennai - 600 013.

....Petitioner

Vs.

1. The State rep. By,
The Secretary to Government,
Municipal Administration
and Water Supply Department,
Secretariat, Chennai - 600009.
2. The Commissioner of Municipal Administration,
No.75, Santhom High Road,
R.A.Puram, Chennai - 28.
3. The Chief Engineer,
Municipal Administration,
No.75, Santhom High Road,
R.A.Puram, Chennai - 28.
4. The Regional Engineer,
Municipal Administration,
Chengalpattu Region,
Shanmugam Road, Tambaram,
Chennai - 600045.
5. The Regional Director of Municipal Administration,
Chengalpattu Region, Shanmugam Road,
Tambaram, Chennai - 600045.

6. The Commissioner,
Thiruverkadu Municipality,
Thiruverkadu, Chennai - 77.

7. The Municipal Engineer,
Thiruverkadu Municipality,
Thiruverkadu, Chennai - 77.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of writ of mandamus, directing the 6 & 7th respondents to conduct the retender with respect to tender works (1) vasantha Providing BT surface to Melayanambakkam pachiappan nagar street, Thiruvallur Street, Perumal Koil street, Keelayanambakkam Agragaram Street, Kasthuribai Nagar and Aravindha Nagar (Package-1) under integrated Urban Development Mission (IUDM) 2020-21 in Thiruverkadu Municipality Rs.131.000 Lakhs. (2) providing BT surface to Noombal Judges Colony, Noombal Devi Karumariamman Nagar Main Road, Noomal Krishna Nagar, Noombal Balaji Nagar and KNV Nagar 1st, 2nd Street (Package-II) under integrated Urban Development Mission (IUDM) 2020-21 in Thiruverkadu Municipality Rs.163.000 Lakhs (3). Providing BT surface to Natesan Nagar, Annalvidyasaram school street, Selvaganapathy Nagar, Sri Devi Karumariamman Nagar Main Road, Abirami Nagar 5th Street, Mahalaxmi Nagar and Karumariamman Nagar Extension (Package-II) under integrated urban development Mission (IUDM) 2020-21 in Thiruverkadu Municipality." Rs.181.500 Lakhs as the tender dated 16.10.2020 involved malpractices, improper, discrepancy in contravention to the provisions of the Tamilnadu Transparency in Tenders Act, 1998 and consequently to direct the respondents 1 to 5 to take action against the erred officer standing being the Thiruverkadu Municipality tender dated 16.10.2020 based on the petitioner's representation dated 02.11.2020.

For Petitioner : Mr.R.Muniyapparaj

For Respondents : Mr.Annai Ezhil for R1 to R5

Mr.P.Srinivasan, Standing Counsel
for R6

O R D E R

This writ petition is filed for a mandamus to direct the respondents 6 and 7 to conduct the retender with respect to certain tender works of the tender invited by the respondents on 16.10.2020.

2. The petitioner is a class - 1 contractor, has submitted his tender pursuant to the tender called for by the 6th respondent Municipality on 16.10.2020. The petitioner claims that previously he was restricted by the respondents 6 and 7 to place his tender and with great difficulty he submitted his tender documents and at the time of opening of the tender, the petitioner was not permitted and without any communication his tender has been rejected.

3. Mr.P.Srinivas, learned counsel for the respondents 6 and 7 submits that the petitioner who obtained a contract work for storm water drain at Kamaraj Nagar has not executed the work properly and though the work order was issued in the month of March 2019, he has not completed the work and 20% of the work is still to be completed. He has also caused damages to the electricity cables and water supply lines while executing the said work. The TANGEDCO has imposed a levy of damages by the notice dated 13.10.2020 and based on the notice of the TANGEDCO, the respondents have also issued a notice to the petitioner directing the petitioner to carry out the work with manual labours without using any machineries. Aggrieved over the same, the petitioner filed this writ petition.

4. Mr.P.Srinivas, learned counsel for the respondents 6 and 7 submits that the petitioner was not prevented and he has submitted his tender and the tender documents were very much available in the E-tender website of the Government. The tender evaluation committee evaluated the bids on 21.10.2020 and found that the petitioner has not filled up the Annexure 'A' to 'H' in the tender document in all three packages. He further submits that the averment of the petitioner is that the evaluation has been made without his presence is also not correct, when the petitioner himself has stated in his affidavit that he was forced to put his signature in the process of technical bid.

5. The petitioner has raised two grounds that he was prevented from placing the tenders and the evaluation was made in his absence and it has not been communicated. Mr.P.Srinivas, learned counsel for the respondent submits that the petitioner has submitted his tenders for all three packages and the tender documents were very much uploaded in the E-tender portal. The petitioner also appears to be present at the time of evaluation and has put his signature during technical bids. He has also made an averment to that effect in his affidavit.

6. In view of the same, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

KKN

To:

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600009.
2. The Commissioner of Municipal Administration,
No.75, Santhom High Road,
R.A.Puram, Chennai - 28.
3. The Chief Engineer,
Municipal Administration,
No.75, Santhom High Road,
R.A.Puram, Chennai - 28.
4. The Regional Engineer,
Municipal Administration,
Chengalpattu Region,
Shanmugam Road, Tambaram,
Chennai - 600045.
5. The Regional Director of Municipal Administration,
Chengalpattu Region, Shanmugam Road,
Tambaram, Chennai - 600045.
6. The Commissioner,
Thiruverkadu Municipality,
Thiruverkadu, Chennai - 77.
7. The Municipal Engineer,
Thiruverkadu Municipality,
Thiruverkadu, Chennai - 77.

+1cc to Mr.R.Muniyapparaj, Advocate, S.R.No.11338
+1cc to the Government Pleader, S.R.No.11565

W.P.No. 16259 of 2020 and
W.M.P.No. 20321 of 2020

PM (CO)
TE (20/04/2021)