



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.9012 OF 2017

AND

W.M.P.NOS.9923 & 9924 OF 2017

Anand

... Petitioner

.Vs.

1. The Superintending Engineer,
General Construction Circle,
182, Dr.Subbarayan Road,
Tatabad, Coimbatore - 641 012.

2. The Superintending Engineer,
Coimbatore Elecy.Distn.Circle/Metro,
Tatabad, Coimbatore - 641 012.

... Respondents

PRAYER :

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceeding of 1st respondent issued in Letter No. SE/GCCC/CBE/DB/HD/F.Specn.No.116/2016/2017/D.413/2017 dated 16/02/2017 and to quash the same and consequently direct the 1st respondent to award the tender in pursuant to Specification to Tender No.116/2016-2017/GCC/CBE in favour of the petitioner.

For Petitioner	: Mr.G.Sankaran
For Respondents	: Mr.S.Madhusudanam Standing Counsel

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of 1st respondent issued in Letter No. SE/GCCC/BE/DB/HD/F.Specn.No.116/2016/2017/D.413/2017, 16/02/2017 and to quash the same and consequently, direct the 1st respondent to award the tender in pursuant to Specification to Tender No.116/2016-2017/GCC/CBE in favour of the petitioner.



2. When this matter is taken up for hearing today, the learned counsel appearing for the respondents would submit that subsequent to the cancellation of the contract, petitioner's tender was mooted and it was awarded to third respondent and the third respondent has already executed the contract. Therefore, he would submit that nothing survives in this Writ Petition.

3. However, the learned counsel appearing for the petitioner submits that the prayer in this writ petition has become infructuous by virtue of the said execution but at the time of participating in the tender process, he paid Earnest Money Deposit (EMD) of Rs.43,600/- and certainly the petitioner is entitled for the said amount.

4. No doubt the petitioner is entitled for the refund of the same. Therefore, this Court directs the respondents to return the EMD of Rs.43,600/- to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Superintending Engineer,
General Construction Circle,
182, Dr.Subbarayan Road,
Tatabad, Coimbatore - 641 012.
2. The Superintending Engineer,
Coimbatore Elec. Distn. Circle/Metro,
Tatabad, Coimbatore - 641 012.

W.P.No.9012 of 2017
and

W.M.P.Nos.9923 & 9924 of 2017

SR(CO)
PM/20/01/2022