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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.28002 of 2021
and
WMP.No.29580 of 2021

S.Mahadevan

...Petitioner

-Vs-

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
2. The Superintending Engineer,
Bus Route Roads Department,
Greater Chennai Corporation,
Chennai - 600 003.
3. Tamil Nadu Pollution Control Board,
Rep.by its District Environment Engineer,
Gummidipoondi,
Tiruvallur District.

...Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to process Petitioner's application dated 09.12.2021 and pass orders within a period of 7 days and direct the second respondent to extend the time for submitting the Pollution Control Board Certificate before the second respondent board by another 4 weeks and not to reject the Petitioner's tender till then in E-Tender Short Tender Notice in BRR.C.No.B4/4716/2021 uploaded on 03.12.2021 on the file of the second respondent for the Work No. 2 to 12.

For Petitioner : Mr.Elangovan

For Respondents : Mrs.P.T.Ramadevi
Standing counsel for RR1 and 2

Mrs.V.Yamunadevi
Special Government Pleader for R3



O R D E R

The prayer sought for herein is for a Writ of Mandamus, directing the third respondent to process the application dated 09.12.2021 and pass orders within a period of 7 days and direct the second respondent to extend the time for submitting the Pollution Control Board Certificate before the second respondent board by another 4 weeks and not to reject the tender till then in E-Tender Short Tender Notice in BRR.C.No.B4/4716/2021 uploaded on 03.12.2021 on the file of the second respondent for the Work No.2 to 12.

2. Pursuant to the tender notification dated 03.12.2021, the petitioner has submitted the tender form on 16.12.2021.

3. The date for opening the technical bid, since was fixed as 17.12.2021, the technical bid was also opened.

4. However, on 14.12.2021 the first respondent, who called for the tender, has issued a corrigendum, wherein, in Clause 3.4 (e) (i), a new condition had been imposed under which, it has been stated that, the bidder should submit a valid Pollution Control Board Certificate for Central Mix Plant(CMP) within 7 days from the last date of submission of bids.

5. Therefore, this condition has to be complied by every tenderer within 7 days, which ends today i.e., on 23.12.2021.

6. In this regard, it is a grievance of the petitioner that, the petitioner had already applied to the third respondent i.e., Tamil Nadu Pollution Control Board for getting a certificate in this regard, as claimed through the corrigendum referred to above and the said application is under process and according to the information that the petitioner received from the third respondent office, that the moment they complete the inspection, within 24 hours they will process and issue the certificate. However, the fact remains that the inspection is yet to be conducted.

7. Therefore, by today if the said certificate is not produced by the petitioner, his tender form may be liable to be rejected on the ground that he has not produced the certificate. Hence he seeks indulgence of this Court for a direction to the respondents to extend reasonable time to produce the certificate.

8. Heard Mrs.P.T.Ramadevi, learned Standing counsel for the respondent Corporation, who after getting the instant instructions from the official of the first respondent Corporation, who is present before this Court today, would



submit that, the last date to submit the certificate from Pollution Control Board is today. However, due to the difficulty expressed by the petitioner and similarly placed tenderers, if at all this Court feels that, the time has to be extended, the first respondent cannot extend it beyond a maximum period of 1 week and thereafter, the first respondent definitely will open the tender and finalize the same.

9. I have considered the said submissions made by the learned counsel for the parties and have perused the materials placed before this Court.

10. Since the condition 3.4(e)(i) was issued only by way of a corrigendum after the tender notice dated 03.12.2021 and thereafter only the petitioner since has applied to the third respondent for getting the certificate and it will take a reasonable time, this Court feels that at least time up to 31.12.2021 can be given to the petitioner and the other similarly placed tenderers in respect of the tender notice in question to produce the certificate obtained from the Pollution Control Board under Clause 3.4(e)(i).

11. In view of the above, there shall be a direction to the first respondent to extent the time, to produce the Pollution Control Board certificate as claimed through the corrigendum notification issued in the tender notification, by Clause 3.4(e)(i), up to 31.12.2021.

12. In view of the above direction, there shall be a direction to the third respondent, on behalf of whom Mrs.V.Yamunadevi, learned Special Government Pleader takes notice, to process the application of the petitioner and decide the request of the petitioner for grant of NOC within a period of 5 days from today. It is made clear that on or before 31.12.2021, if the petitioner has not produced the necessary certificate under Clause 3.4(e)(i), it is open to the respondent to proceed and finalize the tender in accordance with the tender conditions.

With the above direction, this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



rap/mp

To

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Chennai - 600 003.
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Bus Route Roads Department,
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3. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Gummidipoondi,
Tiruvallur District.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.69496

+lcc to Mrs.P.T.Ramadevi, Advocate, S.R.No.69338

W.P.No.28002 of 2021

NMI[co]
NSK 27/12/2021