



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.12.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.28426, 28427 & 28428 of 2021
and

WMP. Nos.30026, 30029, 30027, 30030, 30028 & 30031 of 2021

C.R.R. Puram - L & T Colony,
Manapakkam Owner's Welfare Association,
Rep by the Secretary, Plot No.37,
3rd Cross Street, C.R.R. Puram, L & T Colony,
Manapakkam, Chennai - 600 125.

...Petitioner in the above WPs

Vs.

1. Authorised Officer President & Vice President,
Larsen & Toubro Employees Co-operative House
Building Society, XNC.729 Limited,
TC-1 Building - First Floor,
Mount Poonamallee High Road,
Manapakkam, Chennai - 600 089.

2.The Registrar (Housing),
Tamil Nadu Co-opertive Housing Federation,
No.48, Ritherdon Road, Veppery,
Chennai - 600 007.

3.The Deputy Registrar (Housing),
Chennai Zone, No.18, Ramanathan Street,
T.Nagar, Chennai - 600 017.

...Respondents in the above WPs

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records pertaining to the e-tender dated 06.12.2021 for the sale of vacant plot situated in S.No.75/6B (part), S.No.80/4 & S.No.84/2A 1B Part allotted for SHOP 2, SHOP 3 & SHOP 4 situated in CR.Ramkrishnapuram, Mugalivakkam by the 1st respondent and quash the same.

For Petitioners : Mr.K.S.Jeyaganeshan in the above WPs
For Respondents : Mr.U.Bharanidaran,
Additional Government Pleader
in the above WPs



COMMON ORDER

Mr.U.Bharanidaran, learned Additional Government Pleader accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Hence, by consent of both sides, these Writ Petitions are taken up for final disposal even at the stage of admission.

2. These writ petitions are filed challenging tender notification dated 06.12.2021 for the sale of vacant plots situated at S.No.75/6B (part), S.No.80/4 & S.No.84/2A 1B Part allotted for shops 2, 3 & 4 at CR.Ramkrishnapuram, Mugalivakkam by the 1st respondent/Larson & Tubro Employees Co-operative House Building Society.

3. The notification has been published on 25.12.2021 and states that the last date for receipt of bids is 30.12.2021 at 3.00 pm. This is patently contrary to the requirement under Section 20 of the Tender Transparency Act, 1998 (in short 'Act'), which stipulates a mandatory period of 15 days to be provided from date of publication of the notification for receipt of bids/responses.

4. Mr.Bharanidharan, learned Additional Government Pleader appearing for the respondents, on instructions, would not raise any serious objections to the infirmity as aforesaid. That apart, the e-mail issued by R1 to the petitioner on 24.12.2021 informing them about the proposed tender refers to the advertisement dated 25.12.2021 and also states that members of the petitioner association are to obtain a digital key or signature to open e-tender portal.

5. A specific query was put to the learned counsel for the respondent as to what this entails, as the procurement of a digital signature involves costs. Such procedure is not normally envisaged to access a website for downloading of application forms, as in the present case.

6. When confronted with this, learned counsel for the respondents admits, on instructions to the error and he confirms that access to the website would be as per normal rules of usage sans digital signature. This is recorded.

7. Though he raises a dispute on the maintainability of the Writ Petition pointing out that the petitioner is an Association, I note that the petitioner is registered in terms of the provisions of the Societies Registration Act, 1860 and moreover, in view of the admitted flaws in the tender notifications as noticed aforesaid, I see no reason to delve upon this aspect of the matter any further.



8. The impugned notification is set aside and these Writ Petitions are allowed. R1 is at liberty to issue a notification afresh in line with the stipulations in the Act and take things forward in accordance with law and all applicable Rules and Regulations. Connected Miscellaneous Petitions are closed. No costs.

Sd/-

Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Authorised Officer President & Vice President,
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3.The Deputy Registrar (Housing),
Chennai Zone, No.18, Ramanathan Street,
T.Nagar, Chennai - 600 017.

+1 cc to Mr.K.S.Jeyaganeshan, Advocate Sr.NO. 69936

+1 cc to Government Pleader Sr.NO. 69955

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SR(CO)

A.SK(10.01.2022)