



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2447 of 2021

and

W.M.P.(MD)Nos.2033 & 2034 of 2021

WEB COPY

S.Chermanpandi

... Petitioner

-Vs-

1.The Chief Engineer (Highways)
Construction and Maintenance
Highways Department,
Guindy, Chennai-600 025.

2.The Superintending Engineer (Highways)
Construction and Maintenance
Highways Department, Tirunelveli Circle,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the second respondent in Message dated 09.10.2020 and quash the same as illegal and consequently, direct the second respondent to finalize the bid of the petitioner for Tender Notification No.5/2020-21/HDO, dated 02.06.2020 insofar as Package No.50 for Nanguneri (H) C&M Sub Division, issued by the second respondent.

For Petitioner	:	Mr.R.R.Kannan
For Respondents	:	Mr.M.Rajarajan Additional Government Pleader

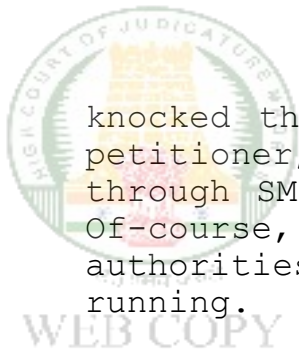
ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.The petitioner challenges the rejection of his bid.The petitioner's counsel points out that the rejection order is non speaking. It merely states that the petitioner has not complied with the pre-qualification eligibility criteria. But no details has been spelt out.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4.I would have been inclined to consider the contentions advanced by the petitioner's counsel, if only the petitioner had



knocked the doors of this Court in time. Even according to the petitioner, the impugned order was passed on 09.10.2020 and conveyed through SMS. The Writ Petition has been filed only on 04.02.2021. Of-course, the petitioner had submitted representation to the higher authorities in the mean while. But they cannot stop the clock from running.

5. When the matter was taken up for admission, the learned Additional Government Pleader appearing for the respondents informs the Court that the work order was issued on 21.11.2020 in favour of M.S.Muthu Krishnan and that more than 10% of the work has been completed.

6. I am therefore not inclined to entertain the writ petition. However, I grant liberty to the petitioner to file an appeal before the appellate authority under Section 11 of the Tamilnadu Tender Transparency Act, 1998. If an appeal is filed within seven days from the date of receipt of a copy of this order, the appellate authority would entertain the appeal without reference to limitation and dispose it of on merits and in accordance with law within a period of two weeks thereafter. With this liberty to the petitioner, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chief Engineer (Highways), Construction and Maintenance
Highways Department, Guindy, Chennai-600 025.

2. The Superintending Engineer (Highways)
Construction and Maintenance
Highways Department, Tirunelveli Circle, Tirunelveli.

+1 CC to M/s.R.R.KANNAN, Advocate (SR-4321[F] dated 10/02/2021)

+1 CC to M/s.SPL GP (SR-4658[F] dated 12/02/2021)

W.P. (MD)No.2447 of 2021

10.02.2021

(NA) CO

AP (CS) 2606 (2021) SP 5C
<https://hcservices.courts.gov.in/hcservices>