



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.12494 of 2021

and

W.M.P. (MD) .Nos.9787, 9789, 9791 & 11029 of 2021

WEB COPY

Abu Pakkar

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Joint Registrar (Co-operative Societies)
Sivagangai District.

3.The District Lorry Tender Committee,
Sivagangai and Karaikudi Region,
Sivagangai District.
Rep by,
The Deputy Registrar/ Managing Director
(Co-operative Societies),
R.S.837, Wholesale Consumer Co-operative
Society Pandaga Salai Ltd.,
Sivagangai District.

4.The Chairman/President,
R.S.837, Wholesale Consumer Co-operative
Society Pandaga Salai Ltd.,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records in relating to the impugned Tender Notification of the third respondent, published in Malai Malar Newspaper dated 07.07.2021 and to quash the same as illegal and consequently to direct the third respondent to issue a fresh notification and to conduct the tender by following all the due process of the tender within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthish
For Respondents : Mr.P.Subburaj,
Counsel for State for R1
: Mr.M.L.Lingadurai
Government Advocate for R2 to R4



ORDER

The petitioner challenges a tender notification issued by the third respondent and published in the Malai Malar Newspaper on 07.07.2021.

2. The petitioner states that the third respondent issued a tender notification on 07.07.2021 with regard to a contract for the supply of goods. The petitioner alleges that the tender process is in contravention of the Tamil Nadu Transparency in Tenders Act 1998 and the Tamil Nadu Transparency in Tender Rules 2000. In particular, it is alleged that the minimum time for submission of tenders should be 15 days when the value of the contract is up to Rs.2,00,00,000/-. In the present case, it is stated that such minimum time limit was not provided to the prospective tenderers. In addition, It is alleged that the officials of the third respondent refused to provide tender forms to the petitioner and thereby prevented the petitioner from participating in the tender.

3. At the time of admission, this Court noticed that a *prima facie* case is made out with regard to the alleged violations of the aforesaid enactment and therefore granted an interim stay insofar as Item 1(1) of the notification is concerned.

4. Mr.P.Subbaraj, learned counsel for the State, appears on behalf of the first respondent and Mr.L.Lingadurai, learned Government Advocate, appears on behalf of respondents 2 to 4. Both of them submit that subsequent to the order passed by this Court on 23.07.2021, the contract was awarded without complying with the conditions stipulated in the interim order dated 23.07.2021. In such circumstances, they state that they are ready and willing to conduct a fresh tender in full compliance with applicable law.

5. From the aforesaid submissions, it appears that the tendering authority has not duly complied with the requirements of the Tamil Nadu Transparency in Tenders Act 1998 and the Rules framed there under. As such, the tender notification dated 07.07.2021 is liable to be quashed. Consequently, such tender notification is quashed insofar as item 1(1) thereof is concerned. As a corollary a fresh tender should be called for. The third respondent is permitted to call for such fresh tender by adhering strictly to the requirements of Tamil Nadu Transparency in Tenders Act 1998 and the Tamil Nadu Transparency in Tender Rules 2000, including in particular Rule 20 thereof.



connected W.M.P. (MD) .Nos.9787, 9789, 9791 & 11029 of 2021 are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sbn

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 District Collector, Sivagangai District.

2.The Joint Registrar (Co-operative Societies)
Sivagangai District.

3.The Deputy Registrar/ Managing Director
(Co-operative Societies)
The District Lorry Tender Committee,
Sivagangai and Karaikudi Region,
Sivagangai District.
R.S.837, Wholesale Consumer Co-operative
Society Pandaga Salai Ltd.,
Sivagangai District.

4.The Chairman/President,
R.S.837, Wholesale Consumer Co-operative
Society Pandaga Salai Ltd.,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-26891[F] dated 23/08/2021)

+1 CC to M/s.SPL GP (SR-26927[F] dated 23/08/2021)

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-26962
[F] dated 23/08/2021)

W.P (MD) No.12494 of 2021
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