



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.12557 of 2021

and

W.M.P. (MD) .Nos.9818, 9819 & 11365 of 2021

N.Kannan

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District.
 - 2.The Regional Joint Registrar (Co-operative Societies)
Sivagangai District.
 - 3.The District Lorry Tender Approval Committee,
Sivagangai and Karaikudi Division,
Sivagangai District.
 - 4.The Chairman
R.S.837, Sivagangai District Consumer Co-operative
Wholesale Stores Limited,
Sivagangai.
 - 5.The Managing Director,
RS 837 Sivagangai District Consumer Co-operative
Wholesale Stores Limited,
Sivagangai.
 - 6.Mr.Kumaran,
The Managing Director,
Sivagangai District Consumer Co-operative
Wholesale Stores Limited,
Sivagangai.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned tender notification issued by the third respondent dated 07.07.2021 published in the Tamil Daily Malai Malar pertaining to Item 2(1) of Tirupathur Taluk pertaining to the transportation of Public Distribution Rice and Other essential Commodities from the Tamil Nadu Civil Supplies Corporation to various fair price shops in the



District and quash the same and consequently direct the respondents herein to issue fresh tender notification so as to enabling the petitioner to participate in the tender.

For Petitioner : Mr.B.Saravana

for Mr.M.S.Mohamed Ayub

For Respondents : Mr.P.Subburaj,

Counsel for State for R1

: Mr.M.L.Lingadurai

Government Advocate for R2 to R5.

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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 2(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 2(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.

<https://hcservices.courts.gov.in/hcservices/> 6. W.P.(MD) No.12494 of 2021 is allowed. Consequently,



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

Sd/-

Assistant Registrar (CS II)

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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,
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Sivagangai.

+1 CC to M/s.GP (SR-26912[F] dated 23/08/2021)

+1 CC to M/s.GP (SR-26928[F] dated 23/08/2021)

W.P(MD)No.12557 of 2021

and

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MGJ(01.09.2021) 3P 8C