



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.19383 of 2021

and

W.M.P. (MD) .Nos.16100 and 16101 of 2021

Sakthivel

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Block Development Officer,
Kallal Panchayat Union,
Sivagangai District.

3.Sankara Parameswari

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned tender notification passed by the second respondent in Na.Ka.No.A2/1487 of 2020 dated 21.10.2021, quash the same and consequently directing the respondents to conduct fresh tender in transparent manner by appointing a separate officer not below the rank of RDO in respect of the works stated in Na.Ka.No.A2/1487 of 2020 dated 21.10.2021 by following the TN Transparency in tenders Act and Rules.

For Petitioner : Mr.Arun Swaminathan
For M/s.P.Thoothai Muniasamy

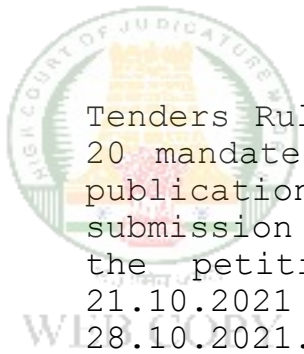
For R-1 : Mr.P.Subbaraj
Counsel for State

For R-2 : Mr.A.K.Manikkam For R2

O R D E R

The petitioner assails a tender notification dated 21.10.2021. The petitioner states that he is a registered contractor under the Tamil Nadu Panchayats (Preparation of Plans and Estimates for Works and Mode and Conditions of Contracts) Rules, 2007.

2. The petitioner assails the tender notification on the ground that it contravenes Rule 20 of the Tamil Nadu Transparency in



Tenders Rules, 2000. In particular, the petitioner states that Rule 20 mandates a minimum period of fifteen days between the date of publication of the notice inviting tender and the date for submission of tenders. By advertng to the impugned tender notice, the petitioner points out that such tender notice is dated 21.10.2021 and that the date of submission of bids has been fixed as 28.10.2021. The petitioner also states that no order has been issued for permitting reduction of the time limit in terms of Rule 20(2) of the above mentioned Rules.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent and Mr.A.K.Manikkam, learned Standing Counsel, accepts notice on behalf of the second respondent. Both Mr.Subbaraj and Mr.Manikkam submit that the petitioner is still in a position to submit a bid and that if the petitioner submits a bid, the same would be duly considered.

4. Rule 20 of the Tamil Nadu Transparency in Tenders Rules, 2000 specifies a time limit of fifteen days for purposes of submission of bids so as to provide a reasonable opportunity for intending bidders to collect relevant information, collate the requisite documents, arrange funds and thereafter submit their bids. The object and purpose is to ensure that public procurement is done in a fair and reasonable manner by ensuring wide participation and a level playing field. Therefore, the issue raised by the petitioner would not be resolved merely by permitting the petitioner to submit a bid and participate at the tender. However, the respondents also state that the time limit for receipt of tenders may be extended for all bidders so as to satisfy the fifteen day limit. The said suggestion is reasonable provided the respondents communicate such extension effectively. Towards such end, the notification of the extension shall be done through a paper publication as well as by pasting a notice in the notice board at the office of the second respondent.

5. Accordingly, W.P(MD).No.19383 of 2021 is disposed of by directing the second respondent to extend the time limit for receipt of tenders until 08.11.2021. Such extension shall be notified by a paper publication in a Tamil daily and by pasting a notice in the office of the second respondent. There will be no order as to costs. Consequently, connected W.M.P(MD).Nos.16100 and 16101 of 2021 are closed.

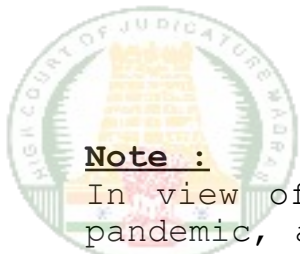
Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Block Development Officer,
Kallal Panchayat Union,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-33195[F] dated 29/10/2021)

+1 CC to M/s.SPL.GP (SR-33360[F] dated 01/11/2021)

W.P (MD) No.19383 of 2021
28.10.2021

MGJ/UV(10.11.2021) 3P 5C