



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)Nos.19890 and 19891 of 2021

and

W.M.P(MD) Nos.16598 and 16600 of 2021

J.Senthattikalai ... Petitioner in W.P.(MD)No.19890/2021

K.V.Balasubramanian ... Petitioner in W.P.(MD)No.19891 of 2021

Vs.

The Executive Engineer Cum
Tender Inviting Authority,
Tamil Nadu Water Supply and Drainage Board,
R.W.S. Division
No.7A, Gandhiji Main Road,
N.R.T. Nagar
Theni.

... Respondent in both W.Ps.

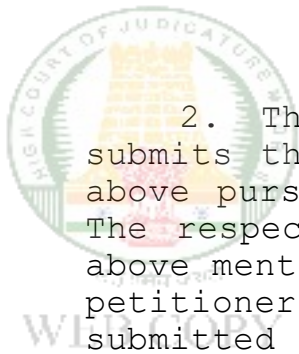
Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent not to grant work order to anyone in respect of the work items in serial nos.3, 10, 12, 9, 14 and 15 in tender notification No.6/F.O and M Outsourcing/ O and M/Tenders/DO/2021 dated 11.10.2021

For Petitioners : Mr.A.Mithun Chakkarvathi
(In both W.Ps)

For Respondent : Ms.Porkodikarnan
(In both W.Ps)

COMMON ORDER

The respective petitioner seeks a direction to the respondent not to grant a work order to anyone in respect of serial Nos.3, 10 and 12 as regards W.P.(MD)No.19890 of 2021 and serial Nos.9, 14 and 15 as regards W.P.(MD)No.19891 of 2021, pursuant to tender notification No.6/F.O and M Outsourcing/ O & M/Tenders/DO/2021 dated 11.10.2021.



2. The respective petitioner in these two writ petitions submits that a bid was submitted for the items of work indicated above pursuant to a tender notification issued by the respondent. The respective petitioner asserts that in respect of each of the above mentioned serial numbers, the bid submitted by the respective petitioner was the lowest. The details pertaining to the bid submitted by the respective petitioner are set out in the affidavits filed in support of the respective writ petitions. In addition, copies of the bid documents are also enclosed.

3. On such basis, the respective petitioner states that the work order should not be issued to any other person in respect of items of work, wherein the respective petitioner is the lowest bidder. The present Writ Petitions are filed for such purpose. The learned counsel for the petitioner relies upon Section 10(7) of the Tamil Nadu Transparency in Tenders Act, 1988 to contend that if a bid is rejected, the reasons for rejection should be indicated.

4. The contention that the respective petitioner is the lowest bidder as regards the serial numbers indicated above cannot be decided upon conclusively without inviting a counter affidavit from the respondent. Nonetheless assuming such contention is correct, if the bid is nonetheless rejected, the respondent should indicate the reason for rejection with reference to the terms and conditions of the tender. Needless to say, the rejection of the bid of the lowest bidder would be a condition precedent to awarding the contract to any other person.

5. With the above observations, W.P.(MD)Nos.19890 and 19891 of 2021 are disposed of without any order as to costs. Consequently, W.M.P(MD) Nos.16598 and 16600 of 2021 are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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

The Executive Engineer Cum
Tender Inviting Authority,
Tamil Nadu Water Supply and Drainage Board,
R.W.S. Division
No.7A, Gandhiji Main Road,
N.R.T. Nagar
Theni.

**W.P (MD) Nos.19890 & 19891 of 2021
02.11.2021**

**PS (CO)
RS/SKN (19.11.2021) 3P 2C**