



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOs.1063, 1066 & 1068 of 2022
and

W.M.P.Nos.1123, 1130 & 1131 of 2022

T. Kolandaivelu & Co,
Represented by its Managing Partner,
Mr.K. Manikandan (M-39 years).
Having Office at No.18, K.A.S. Garden,
Perumal Malai Road, Narasothipatty,
Salem-636 004.

...Petitioner (in all WPs)

Vs

1. The Superintendent Engineer, (H), C & M Circle,
Salem.

2. The Divisional Manager,
Highways (Quality Control Division),
Salem.

...Respondents (in all WPs)

PRAYER IN W.P.NO.1063 OF 2022

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to issue working condition certificate for the Plants & Machineries of the petitioner for fulfilling the pre-qualification condition prescribed in Annexure-I of the pre-qualification document of the tender notice No.8/2021-2022/HDO dated 23.12.2021 for the works in Salem Circle (SLM-1, SLM-6, SLM-8, SLM-9, SLM-12, SLM-13 & SLM-14).

PRAYER IN W.P.NO.1066 OF 2022

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to issue working condition certificate for the Plants & Machineries of the petitioner for fulfilling the pre-qualification condition prescribed in Annexure-I of the pre-qualification document of the tender notice No.9/2021-2022/HDO dated 24.12.2021 for the works in Salem Circle (SLM-15, SLM-17, SLM-18 & SLM-19).



PRAYER IN W.P.NO.1068 OF 2022

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to issue working condition certificate for the Plants & Machineries of the petitioner for fulfilling the pre-qualification condition prescribed in Annexure-I of the pre-qualification document of the tender notice No.12/2021-2022/HDO dated 31.12.2021 for the works in Salem Circle (SLM-34, SLM-35, SLM-36, SLM-37, SLM-40 & SLM-41)

In all WPs :

For Petitioner : Mr. Vijayan Subramanian
For Respondents : Mrs. C. Sangamithirai,
Special Government Pleader

ORDER

These Writ Petitions have been filed seeking a direction to the 2nd respondent to issue working condition certificate for the plants and machineries of the petitioners for fulfilling the pre-qualification condition for the works in the Salem Circle.

2. Mrs. C. Sangamithirai, Learned Special Government Pleader, takes notice for the respondents.

3. It is the case of the petitioner that the petitioner was not issued the working condition certificate by the 2nd respondent herein for fulfilling the pre-qualification condition as prescribed in Annexure-I of the pre-qualification document of the tender called for by the 1st respondent herein as the same is mandatory for participating in the tender. In failure of producing the working condition obtained from the 2nd respondent, the petitioner will not be able to participate in the said tender and his bid will be rejected. Therefore, the petitioner had made a representation dated 06.01.2022 to the 2nd respondent herein. However, till date, the same has not been considered. Hence, the petitioner has come up with this writ petition seeking the aforesaid relief.

5. Learned counsel for the petitioner submits that without working condition certificate, the petitioner's bid for the subject tender will be rejected. Therefore, this Court may direct the 2nd respondent to consider the petitioner's representation dated 06.01.2022 for issuance of a working condition certificate and issue the certificate within the time frame stipulated by this Court.



6. Learned Special Government Pleader appearing for the respondents fairly conceded that the petitioner's representation was well considered and the order has been passed on 25.01.2022 and the same will be communicated to the petitioner.

7. Upon perusal of the materials available on record and in view of the submission made by the learned Special Government Pleader appearing for the respondents, this Court without going into the merits of the case, directs the respondents to communicate the copy of the order to the petitioner, which was passed pursuant to the representation made by the petitioner, if the petitioner's representation has already been considered, communicate the same, within a period of two weeks from the date of receipt of a copy of this order. If the petitioner's representation has not been considered, the respondents are directed to dispose of the same on merits, within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, these Writ Petitions are disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Superintendent Engineer,
(H), C & M Circle,
Salem.
 2. The Divisional Manager,
Highways (Quality Control Division),
Salem.
- +1 CC to The Government Pleader sr 5152

W.P.NOs.1063, 1066 &
1068 of 2022

PL(CO)
SP(03/03/2022)