



WEB COPY



W.A.No.2392 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.A.No.2392 of 2022

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai, Chepauk,
Rep. by its Managing Director,
Chennai – 5.

2.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Coimbatore.

.. Appellants

Versus

1.M/s.Sri Cauvery Engineering Constructions,
Rep. by its partner Mr.Madheswaran,
Koneripatti Post, Poolampatti (via),
Edappadi Taluk,
Salem District – 637 107.

2.M/s.VR Water Infra Company,
Cheyyur Road, Avinashi,
Tiruppur.

.. Respondents

Prayer: Writ Appeal has been filed under Clause 15 of Letters Patent against the order passed by the learned Single Judge in W.P.No.28359 of 2022, dated 20.10.2022.

For Appellants

: Mr.S.Silambanan, AAG



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JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Acting Chief Justice)

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The writ appeal is directed against the interim order passed by the learned Single Judge in W.P.No.28359 of 2022, dated 20.10.2022.

2. Mr.S.Silambannan, learned Additional Advocate General, appearing for the appellants/TWAD board submitted that the TWAD board has invited the bidders to come and take part in the auction, in which, there were three bidders participated. Out of three bidders, one bidder was disqualified at the time of evaluating the technical bid and two other bidders including the writ petitioner/first respondent herein were found to be competing each other. It is further argued that the Technical bid evaluation proposal was placed before the Technical Evaluation Committee in the meeting held on 14.09.2022, whereby it was brought to notice of the committee that the writ petitioner has completed only 98% of the work of water supply improvement scheme. Therefore, the writ petitioner was not found to be complied with the financial qualification criteria fixed by the department. It is further contended that out of three bidders, one has been excluded and other one, namely, writ petitioner also has been excluded, therefore, the remaining one bidder alone would be in the fray. But, the learned Single Judge, he pleaded, has accepted the case of the writ petitioner on the premise that the writ petitioner had already undertaken the work with the worth of Rs.9,37,80,019/- and that 98% of the work is equivalent to the estimation of Rs.9,19,00,000/-, which is over and above the ceiling limit. Such an approach of the learned single Judge is untenable, he pleaded.

3. As per Clause 4 of the qualification criteria mentioned in the bid document for

<https://www.mhc.tn.gov.in/judis>



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water supply projects, a bidder should have satisfactorily completed water supply scheme of value not less than Rs.7 crores either single agreement with 40% of Bill of Quantities (BOQ) value or Rs.10.50 crores in two agreements with 60% of BOQ value in the last five financial years. Whiles, 98% of the work completed by the writ petitioner works out to Rs.9,19,00,000/-, hence, prima-facie we are of the view that the writ petitioner has fulfilled one of the conditions or criteria of Rs.7 crores ceiling limit. Thus, we do not find any reason to interfere with the interim order passed by the learned Single Judge directing the TWAD board to open the price bid of both the writ petitioner and another bidder. At this juncture, learned Additional Advocate General submitted that the Chief Engineer, TWAD Board, Coimbatore, has already opened bid and the same will be placed before the learned Single Judge. The said submission is recorded.

In fine, for the reasons stated above, the writ appeal stands dismissed. No Costs.

(T.R., ACJ.) (D.K.K., J.)
27.10.2022

rkm
Index:yes/no
Speaking/non-speaking

THE HON'BLE ACTING CHIEF JUSTICE
and



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D.KRISHNAKUMAR, J.
rkm

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