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W.P.No.33878 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.33878 of 2017

and

W.M.P.Nos.37570 and 37571 of 2017

V.Sundaresan

... Petitioner

Vs.

1. Director of Fisheries and Chairman,
Tendering Authority,
National Competitive Bidding for Supply Installation &
Commissioning for VHF Shore Equipments for
VHF Tower Station and Control Room
(NCB for SI&C for VHF SE for VHFTS&CR (in short),
Administrative Building,
D.M.S. Complex,
Teynampet,
Chennai – 600 006.

2. Thiru.V.P.Thandapani. I.A.S.,
Director of Fisheries &
Chairman, Tendering Authority, NCB for SI&C
for VHF SE for VHFTS&CR)
Administrative Building,
D.M.S. Complex,
Teynampet, Chennai – 600 006.



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3. Dr.Tmt.Beela Rajesh,
Formerly Commissioner of Fisheries Department &
Chairman Tendering Authority (NCB for SI&C for VHF SE for
VHFTS&CR)
Presently Commissioner Town & Country Planning
Department, Anna Salai,
Chennai – 600 002.
4. Arya Communications and Electronic
Services Pvt.Ltd, Represented by
Door No.1/53, M, Sripuram Colony I Street,
St.Thomas Mount, Chennai – 600 016.
5. The Principal Commissioner/Commissioner of Revenue
Administration & Chairman, CDRRP,
Ezhilagam,
Chennai – 600 005.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to (i) proceedings No.RC NO:03/FIMSUL-II/2016 dated 07.11.2016, of the Third Respondent (ii) proceedings No.RC.No:03/FIMSUL-II/2016 dated 02.11.2017, of the second respondent and the proceedings of the First/Second Respondent in 05/CDRRP-FISUL-II./GOODS/2017-2018 dated 18.11.2017 and quash the same and issue directions to the First Respondent to declare the Petitioner as the successful Tenderer for the Supply Installation and commissioning of VHF Shore Equipments for fifteen Tower Stations in the Tender Floated by the First/Third Respondent vide Reference: 03A/CDRRP-FIMSUL-II/GOODS/(2015-16) and award the said tender to the petitioner or in the alternative to direct the fifth respondent herein to probe into the matter and take an appropriate decision with regard to handing over the Tendering of the Seamless Communication Project under Coastal Disaster Risk Reduction Project to the ELECTRONICS CORPORATION OF TAMIL NADU Limited (ELCOT), by issuing appropriate directions to the First/Second Respondent to desist from having any role in the aforesaid seamless communication project and pass appropriate orders pertaining to the award of the aforesaid Tender.



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For Petitioners : Mr.M.Ravi
For Respondents :
For R1 : Mrs.V.Yamuna devi
Special Government Pleader
For R2, R3 & R5 : No Appearance
For R4 : Mr.Siddarth
for M/s.P.Giridharan

ORDER

The petitioner has filed this writ petition for the issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to (i) proceedings No.RC NO:03/FIMSUL-II/2016 dated 07.11.2016, of the Third Respondent (ii) proceedings No.RC.No:03/FIMSUL-II/2016 dated 02.11.2017, of the second respondent and the proceedings of the First/Second Respondent in 05/CDRRP-FISUL-II./GOODS/2017-2018 dated 18.11.2017 and quash the same and issue directions to the First Respondent to declare the Petitioner as the successful Tenderer for the Supply Installation and commissioning of VHF Shore Equipments for fifteen Tower Stations in the Tender Floated by the First/Third Respondent vide Reference: 03A/CDRRP-FIMSUL-II/Goods/(2015-16) and award the said tender to the petitioner or in the alternative to direct the fifth respondent herein to probe into the matter and take an appropriate decision with regard to handing over the Tendering of the Seamless Communication Project under Coastal Disaster Risk Reduction



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Project to the ELECTRONICS CORPORATION OF TAMIL NADU Limited

(ELCOT), by issuing appropriate directions to the First/Second Respondent to desist from having any role in the aforesaid seamless communication project and pass appropriate orders pertaining to the award of the aforesaid Tender.

2. The petitioner has challenged the awarding of tender to the fourth respondent and to restrain the first respondent from having anything to deal with the aforesaid tender.

3. The facts on record indicate that the Fisheries Department proposed for Seamless Communication Network and therefore an empowered committee was constituted which considered and appointed a subcommittee, which in turn entrusted the works to ELCOT to study the feasibility to put up Seamless Communication Network. The empowered committee thereafter approved the project and directed fisheries to execute in two phases:

- i. Pilot Project.
- ii. Scaled up to remaining coastal districts.

4. Thereafter, Tender was floated, pursuant to which there was a public



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participation and the contracts were awarded for several radius after various steps. The petitioner appears to have also participated in the same, however, was unsuccessful and therefore the petitioner has filed this writ petition.

5. The amount of Rs.12,00,000/- and Rs.2,40,000/- paid by the petitioner as a condition for participating in the tender process has been returned on 07.11.2016 and 02.11.2017 respectively.

6. The successful bidder namely Arya Communications and Electronic Services Private Limited accepted the work and executed the work and the period of contract has also lapsed. Thus, nothing further survives for adjudication particularly in this writ petition.

7. That apart, the petitioner has an alternate remedy under the Provisions of the Tamil Nadu Transparency in Tenders Act, 1998 and Tamil Nadu Transparency in Tenders Rules, 2000.



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8. Therefore, this writ petition is dismissed. However, liberty is given to the petitioner to workout his remedy, if any, under the provisions of the aforesaid Act and the Rules made there under. Appropriate such application is to be filed within a period of thirty days from the date of receipt of a copy of this order.

9. The writ petition stands dismissed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

11.10.2022

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
rgm



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To

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C.SARAVANAN, J.

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