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W.P.No.25712 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

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

W.P.No.25712 of 2017

M/s.Venkatesh Refrigeration Service,
Represented by Sole Proprietor,
Mr.S.Sivaguru.

... Petitioner

Vs.

The Registrar,
Central University of Tamil Nadu,
Neelakudi Campus,
Thiruvarur – 610 005.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the Respondent to consider the petitioner representation dated 30.08.2017 and send a notice inviting tender by treating the Petitioner firm as a potential supplier as per Rule 12 of the Tamil Nadu Transparency in Tenders (Public Private Partnership Procurement) Rules, 2012 and further to afford the petitioner a reasonable opportunity in participating in the tender process bearing Tender No.06/2017-18 dated 23.06.2017 for the supply, installation, testing and commissioning of split air conditioner for academic departments and administration, as and when the tender is invited by the Respondent.



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For Petitioner : No Appearance

For Respondent : No Appearance

ORDER

The writ petition has been filed on 21.09.2017 challenging two tender process in Tender Document No.06/2017-18 dated 23.06.2017. The last date for submitting the tender documents by the bidders under the respective tender notifications are 17.07.2017 and 18.08.2017.

2. Today, when the case is taken up for hearing, there is no representation on either side.

3. The specific case of the petitioner is that the petitioner applied for the tender and as per the tender clause, the technical bid was to be submitted on 14.07.2017 for the first tender and the petitioner physically appeared and put the tender application in the drop box which was set up in the premises of the Central University of Tamil Nadu, Thiruvavur on 14.07.2017 at 3.40.P.M. However, on 17.07.2017 not many participants were there except the



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petitioner and another person. Yet, the forum of the tender being satisfied when there are two more participants, the authority refused to initiate tender proceedings and thus, forced the petitioner to leave the premises without providing any reasons for cancelling the event.

4. Similarly, for the second tender again the respondent refused to allow the petitioner to participate in the tender. Hence, the petitioner sent a representation dated 31.08.2017 and thereafter, filed the present writ petition on 21.09.2017.

5. The question is as to whether tenders were received pursuant to the respective Tender Notification or not. The respondent has also not filed any counter affidavit.

6. The petitioner has an alternate remedy under the provisions of the Tamil Nadu Transparency in Tenders (Public Private Partnership Procurement) Rules, 2012.



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7. The petitioner should have exhausted the aforesaid remedy before knocking the doors of this Court on 21.09.2017. As such, the writ petition filed by the petitioner on 21.09.2017 was belated and ought to have dismissed at the time of admission.

8. In view of the above, the writ petition stands dismissed. No costs.

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



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C.SARAVANAN, J.

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