



W.P.Nos.18215 of 2017 and etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

W.P.Nos.18215, 18216, 18217, 18218, 18219 & 18220 of 2017
and
W.M.P.Nos.22410, 22416, 22418, 19802, 19803, 19804, 19805, 19806 &
19807 of 2017

W.P.No.18215 of 2017:

M/s.Savitha Devi

Represented by its Managing Director,
Transport Contractor

... Petitioner

Vs.

1. The Tamil Nadu Civil Supplies Corporation,
Represented by its Managing Director,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.

2. The General Manager (Marketing),
The Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.

3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Kancheepuram,
Kancheepuram District.

4. S.Balaraman

... Respondents



W.P.Nos.18215 of 2017 and etc., batch

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent herein in Na.Ka.No.B1/14097/2017 dated 27.07.2017 and the Re-Tender Notification bearing No.MT9/016450/2017 dated 04.08.2017 of the first respondent herein and quash the same and consequently, direct the Respondents herein to forthwith award the Transportation Contract for Non-FCI category of foodgrains in Kancheepuram District to the petitioner pursuant to the Tender Notification Bearing MT9/016450/2017 dated 04.08.2017 of the first respondent.

For Petitioner : No Appearance

For Respondents :

For R1 to R3 : Mr.L.P.Shanmugasundaram

For R4 : Mr.C.Prakasam

W.P.No.18216 of 2017:

M/s.Savitha Devi

Represented by its Managing Director,
Transport Contractor

... Petitioner

Vs.

1. The Tamil Nadu Civil Supplies Corporation,
Represented by its Managing Director,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.
2. The General Manager (Marketing),
The Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.



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3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Cuddalore,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the Respondents herein to open the Price Bid of the petitioner in respect of the Transport Contract for Non-FCI Category of Food Grains in Cuddalore District pursuant to the Tender Notification bearing MT9/016450/2017 dated 21.06.2017 of the first respondent and award the Transport contract for the period 01.08.2017 to 31.07.2018 to the petitioner.

For Petitioner : No Appearance

For Respondents : Mr.L.P.Shanmugasundaram

W.P.No.18217 of 2017:

M/s.Savitha Devi
Represented by its Managing Director,
Transport Contractor

... Petitioner

Vs.

1. The Tamil Nadu Civil Supplies Corporation,
Represented by its Managing Director,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.

2. The General Manager (Marketing),
The Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.



W.P.Nos.18215 of 2017 and etc., batch

3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Villupuram,
Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent herein in Na.Ka.No.B3/2264/2017 dated 27.07.2017 and the Re-Tender Notification bearing No.MT9/016450/2017 dated 04.08.2017 of the first respondent herein and quash the same and consequently, direct the Respondents herein to forthwith award the Transportation Contract for Non-FCI category of foodgrains in Villupuram District to the petitioner pursuant to the Tender Notification Bearing MT9/016450/2017 dated 04.08.2017 of the first respondent.

For Petitioner : No Appearance
For Respondents : Mr.L.P.Shanmugasundaram

W.P.No.18218 of 2017:

M/s.Savitha Devi
Represented by its Managing Director,
Transport Contractor

... Petitioner

Vs.

1. The Tamil Nadu Civil Supplies Corporation,
Represented by its Managing Director,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.
2. The General Manager (Marketing),
The Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.



W.P.Nos.18215 of 2017 and etc., batch

3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Villupuram,
Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent herein in Na.Ka.No.B3/2264/2017 dated 27.07.2017 and the Re-Tender Notification bearing No.MT9/016450/2017 dated 04.08.2017 of the first respondent herein and quash the same and consequently, direct the Respondents herein to forthwith award the Transportation Contract for Non-FCI category of foodgrains in Villupuram District to the petitioner pursuant to the Tender Notification Bearing MT9/016450/2017 dated 04.08.2017 of the first respondent.

For Petitioner : No Appearance
For Respondents : Mr.L.P.Shanmugasundaram

W.P.No.18219 of 2017:

M/s.Savitha Devi
Represented by its Managing Director,
Transport Contractor

... Petitioner

Vs.

1. The Tamil Nadu Civil Supplies Corporation,
Represented by its Managing Director,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.
2. The General Manager (Marketing),
The Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.



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3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Cuddalore,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent herein in Na.Ka.No.B3/4045/2017 dated 27.07.2017 and the Re-Tender Notification bearing No.MT9/016450/2017 dated 04.08.2017 of the first respondent herein and quash the same and consequently, direct the Respondents herein to forthwith award the Transportation Contract for Non-FCI category of foodgrains in Villupuram District to the petitioner pursuant to the Tender Notification Bearing MT9/016450/2017 dated 04.08.2017 of the first respondent.

For Petitioner : No Appearance
For Respondents : Mr.L.P.Shanmugasundaram

W.P.No.18220 of 2017:

M/s.Savitha Devi
Represented by its Managing Director,
Transport Contractor

... Petitioner

Vs.

1. The Tamil Nadu Civil Supplies Corporation,
Represented by its Managing Director,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.
2. The General Manager (Marketing),
The Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 600 010.



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3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Tiruvannamalai,
Tiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent herein in Na.Ka.No.B3/1903/2017 dated 27.07.2017 and the Re-Tender Notification bearing No.MT9/016450/2017 dated 04.08.2017 of the first respondent herein and quash the same and consequently, direct the Respondents herein to forthwith award the Transportation Contract for Non-FCI category of foodgrains in Villupuram District to the petitioner pursuant to the Tender Notification Bearing MT9/016450/2017 dated 04.08.2017 of the first respondent.

For Petitioner : No Appearance
For Respondents : Mr.L.P.Shanmugasundaram

COMMON ORDER

The petitioner in W.P.No.18215 of 2017 has filed this writ petition for the issuance of a Writ of Certiorarified Mandamus to call for the records of the third respondent herein in Na.Ka.No.B1/14097/2017 dated 27.07.2017 and the Re-Tender Notification bearing No.MT9/016450/2017 dated 04.08.2017 of the first respondent herein and quash the same and consequently, direct the Respondents herein to forthwith award the Transportation Contract for Non-FCI category of foodgrains in Kancheepuram District to the petitioner pursuant to the Tender Notification Bearing MT9/016450/2017 dated 04.08.2017 of the first respondent.



WEB COPY 2. There is no representation on behalf of the petitioner. A reading of the affidavit filed in support of the present writ petitions and the typed set of documents filed by the petitioner including the tender documents, indicates that the writ petition as on date has been rendered infructuous as the petitioner is seeking relief in support of a tender notice issued by the first respondent on 10.07.2017.

3. Earlier an interim order came to be passed by this Court on 18.07.2017, as per which the tender process was subject to the result of the present writ petition. Thereafter, another order came to be passed on 13.02.2018, whereby, the earlier order stood vacated on 13.02.2018. Relevant portion of the said order reads as under:

“Considering the above stated facts and circumstances, this Court is of the view that even though the petitioner was permitted to continue the operation even after the expiry of the last tender period, by virtue of the subsequent order passed by the authority, blacklisting the petitioner, which takes effect from 26.12.2017, certainly, the petitioner cannot seek it as a matter of right to continue the operation during the pendency of these writ petitions. Therefore, the status quo order granted earlier in the other writ petition cannot be



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taken advantage of by the petitioner to continue the operation. As the learned Additional Advocate General submitted that during the pendency of the writ petitions, the Corporation will manage to transport the commodities by making their own arrangements. Since, this Court has vacated the status quo, the Corporation is at liberty to make their own arrangements to carry out the transport operation during the pendency of these writ petitions.”

4. As per clause 11 of the Tender Document, the contract is for a period between 01.08.2017 to 30.06.2018 and such reasonable extended time upto a maximum of three months if any specified by the Tamil Nadu Civil Supplies Corporation or till the finalisation of the tender for the next year whichever is earlier. Clause (11) of the Tender Document reads as under:

“11. Period of Contract:

The above contract is valid for a period from 01.08.2017 to 30.06.2018 and such reasonable extended time upto a maximum of three months if any specified by the Tamil Nadu Civil Supplies Corporation or till the finalisation of tender for the next year which ever is earlier”

5. A reading of the affidavit filed in support of the present writ petitions and the tender documents makes it clear the writ petitions have been rendered infructuous.



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6. Accordingly, these writ petitions stand dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed. Liberty is however given to the petitioner to work out their remedy in accordance with law for any compensation against alleged illegal termination of their contracts, if they were terminated illegally.

20.10.2022

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



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To
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Kilpauk,
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3. The Regional Manager,
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Kancheepuram,
Kancheepuram District.
4. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Cuddalore,
Cuddalore District.
5. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Villupuram,
Villupuram District.
6. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Tiruvannamalai,
Tiruvannamalai District.



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W.P.Nos.18215 of 2017 and etc., batch

C.SARAVANAN, J.

rgm

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18219 & 18220 of 2017
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