



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2022

C O R A M

WEB COPY

THE HONOURABLE **MR. JUSTICE M. NIRMAL KUMAR**

W.P(MD).No. 12318 of 2022 and
WMP(MD).Nos.8746 and 8747 of 2022

Perumal

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu state Marketing Corporation (TASMAC),
4th Floor, CMDA Tower-II,
Egmore, Chennai - 600008.

2.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Ramanathapuram District.

3.A.Umakanthan

... Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding of the 2nd respondent, dated 31.12.2021 in Na.Ka.No.A3/750/BT/2021 and quash the same and consequently, direct the 2nd respondent to issue allotment proceedings to the petitioner to run Bar (Collection of empty bottles and snacks selling attached to the TASMAC shop No.6916 at Kamuthi for the period of 24 months being the highest bidder (I.e., Rs.1,49,999/-) .

For Petitioner : Mr.R. Babu Jaganath
For respondent : Mr.B. Jameel Arasu
1 & 2 : Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records relating to the impugned proceeding of the 2nd respondent, dated 31.12.2021 in Na.Ka.No.A3/750/BT/2021 and quash the same and consequently, direct the 2nd respondent to issue allotment proceedings to the petitioner to run Bar (Collection of empty bottles and snacks selling attached to the TASMAC shop No.6916 at Kamuthi for the period of 24 months being the highest bidder (I.e.,



2. The contention of the petitioner is that 2nd respondent called for a Tender cum Auction to run Bar (collection of empty bottles and snacks selling) attached to Tasmac shop No. 6916 at Kamuthi for the period of 24 months starting from 01.01.2022. The petitioner submitted the tender and the upset price is fixed at Rs.1,49,999/- and also annexed Demand Draft for Rs.10,000/- as per tender cum auction Notice. To his Shock and surprise, the second respondent issued the impugned proceeding, dated 31.12.2021 accepting the tender of the third respondent, who quoted his bid amount lesser than him i.e., 1,16,300/- per year, i.e., less than the amount quoted by the petitioner. Hence, the petitioner sent a representation, dated 12.02.2022 to the respondents 1 and 2 stating the above said facts and requested them to cancel the work order issued to the third respondent. But, his request was not considered by them and hence, he challenges the impugned order.

3. The learned Standing Counsel appearing for the respondents 1 and 2 would submit that as per tender Notification to Shop.No.6916, tender to be quoted only as per percentage of upset price i.e., 1.60% since Kamuthi comes under the category of Town Panchayat. On the other hand, he has quoted the upset price in amount and hence, his application become ineligible and it was rejected. Further for this shop, 5 persons have participated in the tender and he alone have applied and satisfied the condition of tender Notification by giving upset price in percentage. Thereafter, considering the same, the third respondent has become a successful bidder and hence, the orders of impugned has been issued.

4. Considering the submissions of the learned counsel appearing on either side and on a perusal of the records, it is seen that the petitioner by quoting the upset price by amount had violated the first condition failed to quote mentioning in percentage. In view of the same, the petitioner become disqualified and hence, the rejection seems to be reasonable.

5. In view of the same, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

trp



To

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MGJ(07.07.2022) 3P 3C