



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15002 of 2022 and
W.M.P.(MD)Nos.10731 to 10734 of 2022

M/s. Sreedhanya Construction Company,
No.31/747, Sasthamangalam,
Trivandrum,
Kerala-695 010,
Rep by its Managing Partner,
G. Chandrababy,
S/o.V. Gangadharan. ... Petitioner

Vs.

1. The Chief Engineer,
National Highways Department,
Chepauk,
Chennai-600005.
2. The Superintending Engineer,
National Highways,
Tirunelveli-627007.
3. Divisional Engineer,
National Highways,
Nagercoil, Kanyakumari. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in technical Bid Evaluation Minutes, dated: 06.07.2022, and quash the same as illegal and consequently forbearing the 2nd respondent for allotting the



work mentioned in Tender Notice No.3/HDO/NH/2022-2023 dated:19.05.2022, invited by the 2nd respondent, to the responsive bidder.

For Petitioner : Mr.L. George Paul Anto
For R-2 & R-3 : Mr.Veerakathiravan,
Additional Advocate General.
Assisted by
Mr. M. Prakash,
Additional Government Pleader.

* * *

ORDER

Heard Mr.L. George Paul Anto, learned counsel appearing for the writ petitioner and Mr.Veerakathiravan, learned Additional Advocate General, assisted by Mr.M.Prakash, learned Additional Government Pleader appearing for the respondents 2 and 3.

2. The petitioner questions the rejection of their technical bid. The learned Additional Advocate General points out that one of the conditions set out in the tender notification is that the applicant must possess one front end loader whose



age must be five years. The tender notification was issued in May 2022. The petitioner has not questioned the validity of any of the tender conditions.

3. I wanted to know if the front end loader owned by the petitioner was purchased in June 2017 or thereafter. There is no dispute that the front end loader possessed by the petitioner was purchased in the year 2016. Therefore, the petitioner has obviously failed on this ground. It is not for the petitioner to contend that the said requirement is only directory and not mandatory. It is for the tender inviting authority to prescribe the tender qualifications and if the petitioner is unable to fulfill even any one of them, the tender will be rejected even at the technical stage. No case has been made out for interference.

4. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

12.07.2022

Index : Yes / No
Internet : Yes/ No

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W.P.(MD)NO.15002 OF 2022

G.R.SWAMINATHAN,J.

PMU

To:

1. The Chief Engineer,
National Highways Department,
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Chennai-600005.
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