



W.P(MD)No.17999 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17999 of 2022

and

W.M.P.(MD)Nos.13134, 13137, 13139 and 13140 of 2022

Sri Sai & Co Constructions,
Rep. by its Managing Director,
D.Muthulakshmi

... Petitioner

Vs.

1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Building, Panagal Maligai,
4th and 5th Floor, Abdul Razzak Street,
Saidapet, Chennai.

2.The District Collector,
Office of the Collectorate,
Ramanathapuram District.

3.The Additional Collector,
District Rural Development Agency,
Rural Development and Panchayat Raj Department,
Ramanathapuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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records pertaining to the impugned order of the 3rd respondent in Package No.TNRRIS 07/2021-2022 (80% and 20% CGF) dated 03.08.2022 and quash the same and consequently direct the respondents to allow the petitioner to participate in the tender process.

For Petitioner : Mr.J.Ramsundarvijayaraj

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Advocate General for the respondents.

2.The third respondent has issued tender notification dated 22.06.2022 calling for tenders for carrying out the work of the strengthening the road in Thirupullani Block Work No.7 under TNRRIS 2021-2022. The petitioner is one of the tender applicants. The petitioner was disqualified at the technical bid stage itself. Questioning the same, the present writ petition has been filed.



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3.The learned counsel for the writ petitioner submitted that disqualification of the writ petitioner at the technical bid stage is clearly incorrect.

4.Per contra, the learned Additional Advocate General submitted that as per tender notification, the petitioner should not only be a class I contractor and must file a certificate to that effect but he should also submit a further certificate indicating that his registration is alive and subsisting. Since the petitioner had not submitted a life certificate regarding his status as class I contractor, the petitioner was rightly disqualified.

5.The learned counsel for the writ petitioner fairly stated that while he did not upload the life certificate online, in the document that was manually submitted that life certificate has been enclosed. He drew my attention Rule 18(3) of the Tamil Nadu Transparency in Tenders Rules, 2000, which is as follows:-

18. Place and time for receipt of tenders.-

(1)

(2)

(3) The Tender Inviting Authority shall permit the submission of tenders by post or courier or by electronic submission through the designated website, wherever applicable: Provided that the



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Tender Inviting Authority shall not be responsible for any delay in transit in such cases.

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4.In this case, the official (Mr.Pragalathan, Assistant Executive Engineer) assisting the learned Additional Advocate General submitted that the life certificate has been very much submitted by the writ petitioner manually.

5.When the statutory Rules very much permit submission of the tender applications in both the modes and when the petitioner had manually submitted life certificate, his omission to upload the same online should not be put against him.

6.In this view of the matter, the impugned stand of the third respondent as set out in the proceedings dated 03.08.2022 is set aside and the writ petition is allowed. The tender accepting authority shall consider the petitioner's commercial bid also along with others. No costs. Consequently, connected miscellaneous petitions are closed.

10.08.2022

Index : Yes / No

Internet : Yes/ No

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Issue order copy on 10.08.2022.



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To:-

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G.R.SWAMINATHAN, J.

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