



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Thirtieth day of September Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

W.M.P (MD) No.15518 of 2022

in

W.P (MD) No.18408 of 2022

and

W.M.P (MD) No. 13408 of 2022

IN W.M.P (MD) No.15518 of 2022:

1 THE GENERAL MANAGER
AIRPORT AUTHORITY OF INDIA,
TRICHY INTERNATIONAL AIRPORT,
TRICHY-7

2 THE ASSISTANT GENERAL MANAGER (ENGG-ELECT) ,
AIRPORT AUTHORITY OF INDIA,
TRICHY INTERNATIONAL AIRPORT, TRICHY-7

3 MANISH SINGHVI ...PETITIONERS/RESPONDENTS

VS

BALASUBRAMANIAN.K ... RESPONDENT/PETITIONER

IN W.P (MD) No.18408 of 2022:

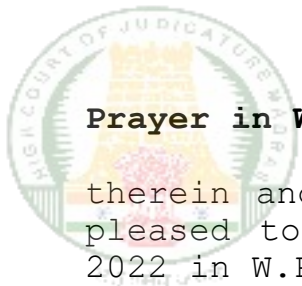
BALASUBRAMANIAN.K ... PETITIONER

Vs

1 THE GENERAL MANAGER
AIRPORT AUTHORITY OF INDIA,
TRICHY INTERNATIONAL AIRPORT,
TRICHY-7

2 THE ASSISTANT GENERAL MANAGER (ENGG-ELECT) ,
AIRPORT AUTHORITY OF INDIA,
TRICHY INTERNATIONAL AIRPORT, TRICHY-7

3 MANISH SINGHVI ... RESPONDENTS

**Prayer in WMP(MD).15518 of 2022 :**

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to vacate the interim stay granted in WMP(MD).No.13408 of 2022 in W.P.(MD).No.18408 of 2022 on 16.08.2022.

Prayer in W.P. (MD) .No.18408 of 2022:

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 records related to tender ID. 2022-AAI-117718-1 dated 1.6.2022 cancelled the successful bid by the petitioner by an order dated 1.8.2022 and quash the same and direct the 2nd respondent to verify the genuineness of the work completion certificate issued by the 3rd respondent before taken any steps to cancel the petitioners from the list of registered contractors and thus render justice.

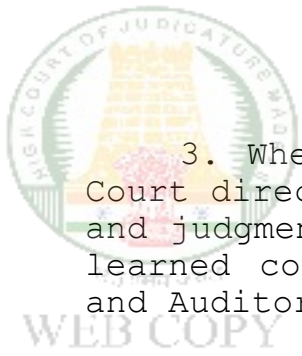
Prayer in WMP(MD) . 13408/ 2022 :

To stay the tender summary reports dated 1.8.2022 issued in the website related to tender ID. 2022-AAI-117718-1 dated 1.6.2022 by the 2nd respondent till the disposal of this writ petition.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.GODWIN, Standing Counsel for the petitioners 1 & 2 in WMP(MD)No.15518 of 2022 and Standing Counsel for the Respondents 1 & 2 in WMP(MD)No.13408 of 2022 and of M/S.R.RAMASAMY, Advocate on behalf of the Respondent in WMP(MD) No.15518 of 2022 and for the Petitioner in WMP(MD)No.13408 of 2022, the court made the following order:-

The learned counsel appearing for the Vacate Stay petitioner would submit that Technical bid for Tender ID (2022-AAI-117718-1) was opened on 01.07.2022 and it was found that the completion certificate submitted by the petitioner was not issued by the third respondent and the certificate seems to be forged one. The petitioner was directed to get the signed original completion certificate and experience certificate from the third respondent and also to produce the work order and details of GST to prove that he had worked for the third respondent and he had not given the completion certificate and experience certificate inspite of the several request made by the third respondent. Hence, police complaint was given against each other and there was a dispute between the third respondent and the petitioner. He would further submit that inspite of the interim stay granted by this, the successful bidder could not carry out the maintenance works.

2. The judgment in Gangadhar Jena vs. State of Odisha & others in W.P(C) No.19914 of 2016 produced by the learned counsel for the writ petitioner does not relates to the facts of the present case.



3. When the matter was came up for hearing on 26.09.2022 this Court directed the petitioner to produce all the necessary documents and judgment to prove his case. As per the order of this Court, the learned counsel for the petitioner produced the Income Tax return and Auditor Certificate before this Court.

4. The learned counsel appearing for the vacate stay petitioner would submit that the completion letter enclosed has not been issued by the respondents office and the said document is forged one, which is not a original. He denied such execution of documents. In the letter sent by the petitioner to the Assistant General Manager dated 25.07.2022 shows that the petitioner applied new contract work with Airport Authority of India, Trichy, which requires him a proof of original experience certificate and he asked many times from the management of the company for such certificate but they rejected his concern since now he and such company become competitor for above said nature of works. Proof of work done under the Company like GSTR 1 copy, Invoices issued, Authorisation letter issued, Computer generated work experience certificate. The first opened tender of the petitioner called for on 01.06.2022 was rejected on the ground of experience certificate submitted by the petitioner was not issued by the third respondent. The petitioner in his letter dated 25.07.2022 admitted that he had produced soft copy of certificate and the third respondent rejected his request for original experience certificate. Similarly, the second opened tender called for on 30.05.2022 was also rejected on above ground. The Technical bid for tender ID (2022-AAI-117718-1) was opened on 01.07.2022 after getting required bids as per procedure. Technical bids of the agencies were accepted for financial bid opening based on their documents submitted in the e-tendering portal. The Financial bids were opened on 11.07.2022 and the bid of the petitioner was the lowest. So the experience certificate submitted by the petitioner was verified from the issuing agency, the third respondent through letter dated 11.07.2022. The copy of the letter was emailed on 11.07.2022. The third respondent replied by mail that the completion certificate submitted by the petitioner was not issued by them and the certificate seems to be forged one. The third respondent was requested to send the email content by way of letter. The third respondent submitted the email content by way of letter dated 13.07.2022. On receipt of the letter from the third respondent, the petitioner was directed to produced signed original experience certificate from the third respondent to prove the genuinity of the experience certificate produced by him. The petitioner was directed to produce signed experience certificate from the third respondent which is more than sufficient to prove the genuinity of experience certificate produced. The petitioner is not entitled for personal hearing in the e-tender. The Technical bid of Tender (2022-AAI-117473-1) called on 30.05.2022 was opened on 06.07.2022 after getting required tenders as per procedure. It is submitted that the petitioner had submitted the same documents as



submitted earlier. Fair chance was given to the petitioner in tender ID.2022-AAI-117718-1 for submitting the signed completion certificate. But, the petitioner did not submit the signed completion certificate. The letter produced by the petitioner is a forged one. He would further submit that inspite of the interim stay granted by this, the successful bidder could not carry out the maintenance works and there is an urgency to carry out certain repair works.

5. The counsel for the writ petitioner submitted that he had carried out the works allotted by M/s.Bala Electricals Company and the document produced is a original by them and the quotation and his GST paid bill would prove the same. He further submitted that the vacate stay petitioner has not produced the original letter and denying the claim of the petitioner.

6. Mr.C.Godwin, learned counsel appearing for the vacate stay petitioner produced the original letter and this Court is convinced that the letter (print out taken) could not be accepted by the authorities and they have proceeded appropriately.

7. In view of the above facts, this Court is inclined to allow the vacate stay petition in W.M.P(MD)No.15518 of 2022.

8. Accordingly, this petition is allowed and the interim stay granted by this Court on 16.08.2022 in W.M.P(MD)No.13408 of 2022 in W.P(MD)No.18408 of 2022 is vacated.

9. Post the matter on 11.11.2022.

sd/-
30/09/2022

/ TRUE COPY /

14/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

am

+1 CC to M/s.C.GODWIN, Advocate (SR-10885[I] dated 30/09/2022)

+1 CC to M/s.R.RAMASAMY, Advocate (SR-10886[I] dated 30/09/2022)

ORDER
IN
W.M.P(MD)No.15518 of 2022 in
W.P(MD)No.18408 of 2022 and
W.M.P(MD)No. 13408 of 2022
Date :30/09/2022

RK/VR/SAR-1 (14/10/2022) 4P/3C

<https://www.mhc.tn.gov.in/judis>