



W.P.(MD)No.22590 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22590 of 2022

and

W.M.P.(MD)Nos.16758 and 16759 of 2022

C.Chellam

.. Petitioner

Versus

1.The Rural Development and Panchayat Raj Department,
Rep. by its Commissioner,
Panagal Maligai,
Saidapet,
Chennai – 15.

2.The District Collector,
Collectorate,
Tirunelveli.

3.The Project Director,
District Rural Development Agency (DRDA),
Collectorate Campus,
Tirunelveli.

4.A.Palani,
The Project Officer,
District Rural Development Agency (DRDA),
Collectorate Campus,
Tirunelveli.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned tender notification insofar as the works pertaining to Jal Jeeva



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Mission 2022-23, Multi Village Scheme (MVS) under following package namely, TNV/MVS/05, pertaining extension of pipelines in Papakudi, V.Ariyanayagipuram, Idaikal Panchayat, Tirunelveli District, dated 20.09.2022 and the consequential impugned tender notification insofar as the works pertaining to the Jal Jeevan Mission 2022-23 Single Village Scheme (SVS) under following packages TNV/SVS/11, TNV/SVS/12, pertaining extension of pipelines in Arikesavanallur Village Panchayat and V.Ariyanayagipuram Village of Papakudi Block, Tirunelveli District, dated 21.09.2022, on the file of the third respondent and quash the same.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents 1 to 3 : Mr.D.Gandhiraj
Special Government Pleader
For 4th Respondent : Mr.S.Chellapandian

ORDER

The petitioner has prayed for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned tender notification insofar as the works pertaining to Jal Jeevan Mission 2022-23, Multi Village Scheme (MVS) under following package namely, TNV/MVS/05, pertaining to extension of pipelines in Papakudi, V.Ariyanayagipuram, Idaikal Panchayat, Tirunelveli District, dated 20.09.2022 and the consequential impugned tender notification insofar as the works pertaining to the Jal Jeevan Mission 2022-23 Single Village Scheme (SVS) under following packages TNV/SVS/11, TNV/SVS/12, pertaining to extension of pipelines in Arikesavanallur Village Panchayat and V.Ariyanayagipuram Village of Papakudi Block, Tirunelveli District, dated 21.09.2022, on the file of the third respondent and quash the same.



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2.The case of the petitioner is that he is a registered Class II Contractor with the District Rural Development Agency [DRDA] and carried out various works for the past 25 years in various Government projects. The third respondent issued Online Tender Notification Jal Jeevan Mission 2022-23 Single Village Scheme [SVS] under TNV/SVS/11 and TNV/SVS/12 Packages pertaining to extension of pipelines in Arikesavanallur Village Panchayat and V.Ariyanayagipuram Village of Papakudi Block in Tirunelveli District and the last date for submission of the tender documents by registered contractors was 04.08.2022. Accordingly, the petitioner submitted the documents on 03.08.2022. With regard to Jal Jeevan Mission Multi Village Scheme [MVS] under TNV/MVS/01, TNV/MVS/02, TNV/MVS/04 and TNV/MVS/05 pertaining to extension of pipelines in Papakudi Panchayat in Tirunelveli District and the last date for submission of the tender documents by registered contractors was 17.08.2022. Accordingly, the petitioner submitted the documents on 17.08.2022.

3.The petitioner participated in the tender for above said works and three contractors had also participated in the tender scheduled on 04.08.2022 and 17.08.2022, but the results were not declared on the same day. The third respondent had declared the results on 09.09.2022 and informed the petitioner that he is not eligible to participate in the tender process as Contractor and had



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decided to conduct a fresh tender in order to allot the said works to persons, who are closely related to the third respondent with a *mala fide* intention.

4.The third respondent having permitted the petitioner to participate in the tender, he cannot arbitrarily reject the petitioner's bid at the stage of declaration of results and no notice has been issued to the petitioner and no opportunity of hearing was given to him. The petitioner had participated in the previous year Jal Jeevan Mission [2020-21] for extension of pipelines in Seevalaperi Village Panchayat in Palayamkottai Block, Tirunelveli District. The Commissioner of Palayamkottai Panchayat had issued a certificate stating that the petitioner had satisfactorily completed water supply works for more than Rs.50 Lakhs under various schemes. Therefore, the petitioner made a detailed representation to the respondents 1 to 3 by mentioning the above said facts and requested to accept his bid and initiate appropriate action against the fourth respondent, but the same has not been considered for the reasons best known to them. In these circumstances, the third respondent has issued the tender notification dated 20.09.2022. As per Rule 20 of the Tamil Nadu Transparency in Tenders Rules, 2000 , minimum time for submission tenders should be provided. Hence, the petitioner seeks indulgence of this Court.



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5.It is settled law that the property belonging to the Government or an instrumentality of the State is not a private property, and hence, it cannot be disposed of at the sweet will of the authorities in any manner and the authorities cannot pick and choose to whom the said bid has to be given, which is against the interest of the contractors.

6.The learned counsel for the fourth respondent submitted that four persons including the petitioner had participated in respect of four items and the petitioner's bid was rejected on the following grounds:-

- (i) Similar nature work completion certificate is not furnished.
- (ii) Details of financial turnover for the preceding three years not furnished.
- (iii) Original affidavit (Annexure VIII) and undertaking (Annexure IX) are not furnished.

7.One M/s.Ideal Enterprises alone was qualified in the technical bid and therefore, the tender was cancelled and fresh tender has been called for on 14.09.2022 and publication was issued on 16.09.2022 and the tender will be held on 29.09.2022.



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8.The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that as per G.O.(Ms)No.97, dated 04.07.2022, sanction order has been issued for providing 12239 Functional House hold Tap connections in 71 habitations. Further, as per the letter of the Director of Rural Development, Chennai, dated 25.05.2022, under MVS Scheme Administration, sanction order has been issued to Tirunelveli District for providing 3156 FHTCs in 14 Habitations. Hence, based on the said orders, the District Collector, Tirunelveli, accorded administrative sanction on 13.07.2022 and the date for opening the tender was fixed on 04.08.2022. All the tenders are invited through online e-tender with two cover system. The tender called for the above said two schemes under JJM SVS Scheme – 71 habitations in 18 packages and JJM MVS Scheme 14 habitations in 5 packages. The tender notice for the above said works has been published in the daily newspaper on 19.07.2022.

9.The details of the bidders/contractors as follows:-

Tender date	SVS – 18 Packages	MVS – 5 Packages
04.08.2022	8	0
10.08.2022	0	0
17.08.2022	3	4
23.08.2022	2	0
26.08.2022	0	0
30.08.2022	0	0
02.09.2022	0	0
06.09.2022	0	0
07.09.2022	2	0
Total	15	4



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10.The petitioner has participated in JJM-SVS-Tender for package Nos. 11 and 12. These packages consist water supply works in Arikesavanallur and V.Ariyanayagipuram Village Panchayat of Pappakudi Panchayat Union. Two bidders have submitted their bids for these two packages. The petitioner has also participated in JJM MVS Scheme on 17.08.2022 for 4 packages. As per the tender bid document conditions, the applicants should have satisfactorily completed as prime contractor, "Water Supply" work of similar nature of value not less than 1/3rd of the estimate value of the work put to tender (including the Goods and Services Tax (GST) amount) under a single in Government or Quasi Government Organization only. Four bidders have participated for the above JJM MVS Packages. But, the petitioner and three others have not uploaded/submitted any documents and therefore, their applications were rejected. Hence, to maximize economy and efficiency in Government re-tender, the District Collector permitted to call for re-tender on 29.09.2022.

11.Considering the above said rival submissions, this Court is of the view that the petitioner's technical bid has been rejected and re-tender is scheduled to be held on 29.09.2022. It is open to the petitioner to produce all the relevant documents for qualifying in the technical bid. If the petitioner is found to be eligible and his bid is in order, his tender can be considered by the authorities. It is open to the petitioner to participate in the bid, which will be



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held on 29.09.2022. If the petitioner is not able to download the tender schedule from the Web-site, he is at liberty to approach the authorities concerned and receive the tender schedule and participate in the tender process.

12. With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/No
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26.09.2022

To

1. The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Maligai,
Saidapet,
Chennai – 15.

2. The District Collector,
Collectorate,
Tirunelveli.

3. The Project Director,
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V.BHAVANI SUBBAROYAN, J.

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