



W.P(MD)No.23533 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23533 of 2022

and

W.M.P(MD)Nos.17609, 17610 & 17612 of 2022

A.Thangavelu

..Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Dindigul District.

2.The Block Development Officer,
Office of the Block Development Officer,
Nilakottai Block,
Dindigul District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records connected with the Impugned Tender Notification in Na.Ka.No. 2805/2022/A5 dated 01.10.2022, on the file of the second respondent and quash the same as illegal, consequently direct the respondents to issue Tender Application Form to the petitioner for participate in the Tender Proceedings in “Tender Notice Number Na.Ka.No.2805/2022/A5 dated 01.10.2022 issued by the second respondent and direct the respondents to conduct the said tender proceedings in transparent manner in accordance with law within the time stipulated by this Court.



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For Petitioner :Mr.R.Alagumani
For R1 :Mr.C.Satheesh
Government Advocate
For R2 :Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The petitioner has filed the Writ Petition seeking issuance of a Writ of Certiorarified Mandamus, calling for the records connected with the Impugned Tender Notification in Na.Ka.No.2805/2022/A5 dated 01.10.2022, on the file of the second respondent and quash the same as illegal, consequently direct the respondents to issue Tender Application Form to the petitioner for participate in the Tender Proceedings in “Tender Notice Number Na.Ka.No.2805/2022/A5 dated 01.10.2022 issued by the second respondent and direct the respondents to conduct the said tender proceedings in transparent manner in accordance with law within the time stipulated by this Court.

2.The learned counsel appearing for the petitioner would submit that the petitioner is a registered contractor in Nilakottai Panchayat Union. He is an income tax assessee and his pan card number is AMXPT6910B. He has been performing several tender works in the State of Tamil Nadu and completing the said works within the fixed period. He has renewed his license on 30.03.2022



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before the second respondent. On 01.10.2022, the second respondent passed impugned tender Notification in Na.Ka.No.2805/2022/A5, dated 01.10.2022.

The second respondent has failed to publish the tender notification in the widely circulated newspaper, which is mandatory under Section 9(2) and 9(3) and Rule 11 of the Tamil Nadu Transparency in Tender Act 1998. But, without following the same, the second respondent has passed the impugned Tender Notification in favour of various persons for the reasons best known to her. There is no transparency in the Impugned Tender Notification. The petitioner has received the notification of tender only on 07.10.2022 and immediately approached the second respondent to obtain the application form. But they have not produced any application form to the petitioner and instructed him to come on 10.10.2022. When he approached the second respondent on 10.10.2022 at about 10.00 a.m., they did not issue the tender application and stated that the tender applications are over and finalized. The second respondent acted in a biased manner by willfully neglecting him from participating in the tender proceedings in Na.Ka.No.2805/2022/A5, dated 01.10.2022.

3. He would further submit that the last date for tender application was till 4:00 p.m., on 11.10.2022. In spite of repeated request made by the



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petitioner, the second respondent restrained him from getting the application for the reasons best known to him. Hence, he filed the present writ petition to quash the said impugned notification.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent.

5. On going through the typed set of papers it is seen that the Tender Notification was issued on 01.10.2022 and invited the tender application till 11.10.2022 at 04.00 p.m., and there is no publication. Further, states that the copies have been sent to all the registered contractors. But the petitioner states that he did not receive any notification within 2 or 3 days, but he has received the said notification only on 07.10.2022. In spite of the repeated request, that has not been considered by the authorities, the petitioner has approached this Court by way of filing the writ petition.

6. On going through the above said tender as well as the Rule 20 of the Tamil Nadu Transparency in Tender Rule it is seen that the tender inviting authority shall not provide adequate time for submission of tenders.



7. Rule 20 of the Tamil Nadu Transparency in Tenders Rules is extracted

hereunder:-

“20. Minimum time for submission of tenders:-

(1) The Tender Inviting Authority shall ensure that adequate time is proved for the submission of tenders and a minimum time is allowed between date of publication of the Notice Inviting Tenders in the relevant Tender Bulletin or in the newspaper whichever is later and the last date for submission of tenders. This minimum period shall be as follows:-

(a) For tenders up to rupees two crores in value, fifteen days; and

(b) For tenders in excess of rupees two crores in value, thirty days.

(2) Any reduction in the time stipulated as per Sub-Rule (1) has to be specifically authorised by an authority superior to the Tender Inviting Authority for reasons to be recorded in writing.”

8. As per the said rule, they should give 15 days time from the date of publication of the Notice Inviting Tenders in the relevant Tender Bulletin or in the newspapers whichever is later and the last date for submission of tenders. The petitioner pointed out that the authorities are not in a position to show that they have given proper time for the contractors to participate in the tender. The Tender inviting authority shall ensure that adequate time is provided for the submission of tenders and a minimum time is allowed between date of



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publication of the Notice inviting tenders in the relevant of submission of the tenders in the relevant tender bulletin or in the newspapers whichever is later and the last date of submission of tenders. The tender inviting authority for tenders up to rupees two crores in value, notice to be given and that has not been followed by the Block Development Officer.

9. In view of the above, this Court is inclined to set aside the impugned tender notification, dated 01.10.2022. The Block Development Officer, the second respondent herein is directed to issue fresh tender notification and then by issuing the application to all the registered contractors through RPAD and then conduct the tender. The second respondent is further directed to give appropriate instructions to the technical staffs in the office, who will supervise the work being done by the contractors, and each and every details of the tender should be followed without any deviation.

10. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Index :Yes/No

Internet :Yes/No

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WEB COPY

To

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Office of the District Collector,
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- 2.The Block Development Officer,
Office of the Block Development Officer,
Nilakottai Block,
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V.BHAVANI SUBBAROYAN, J.

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