



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.1242 of 2017 and

W.M.P. (MD)Nos.1038, 1039 & 3551 of 2017

WEB COPY

A. Pandian

... Petitioner

Vs.

1. The Chief Engineer(H)
NABARD & Rural Roads,
Chennai-600 025.

2. The Special Chief Engineer(High Ways),
NABARD and Village Road Circle,
Trichy-20.

3. M/s. Megala Constructions
No.580, Karpaga Nagar,
12th Street,K.Pudur,
Madurai-625 007.

...Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire impugned proceedings of the second respondent in respect of item 7 of tender Notice under Ref.No.4/2016-2017/Mu.Va.A/ dated.29.11.2016 and TRB No.40/2016/VaA/ dated 23.12.2016 and quash the allotment of tender in favour of the third respondent is illegal, arbitrary and void and also quash the consequential allotment of work in favour of the third respondent under Ref.No.Se.Mu.Ka.T.R.P.No.40/2016/VaA/dated 26.12.2016 as illegal and void and directing the second respondent to confirm tender in favour of the petitioner as lowest quote.

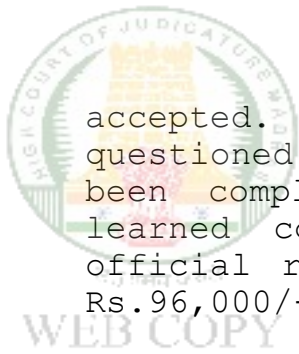
For Petitioner : Mr.K. Muraleedharan
For R-1 & R-2 : Mr.K.Balasubramani,
Special Government Pleader.
For R-3 : Mr. J. Anandkumar.

* * *

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 and 2 and the learned counsel appearing for the third respondent.

2. The official respondents issued tender notification inviting application for construction of a bridge at ½ km. Pottapatti-Othakadai Road, across Palaru river. The petitioner's tender was not



accepted. The work was allotted to the third respondent. It is questioned in this writ petition. Since the tender works had already been completed, nothing survives for further adjudication. The learned counsel appearing for the petitioner stated that the official respondents may be directed to refund the EMD amount of Rs.96,000/- received by them.

3. When I queried the learned Special Government Pleader, it was submitted that the demand draft for Rs.96,000/- enclosed by the petitioner was not received by the them. No proof has been enclosed. If the petitioner can furnish any bank statement that the demand draft was encashed by the tender inviting authority, then definitely I can grant relief.

4. This writ petition stands dismissed. However, liberty is given to the petitioner to move this Court again for refund of the said amount if the petitioner can prove that the tender inviting authority had encashed the demand draft for a sum of Rs.96,000/-. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

PMU

To:

1.The Chief Engineer(H)
NABARD & Rural Roads,
Chennai-600 025.

2.The Special Chief Engineer(High Ways),
NABARD and Village Road Circle
Tiruchy-20.

+1 CC to M/s.SPL.GP (SR-26448[F] dated 17/06/2022)

W.P. (MD)No.1242 of 2017
15.06.2022

ac(CO)

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