



WEB COPY



W.P.No.2441 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.2441 of 2020
and
WMP.No.2836 of 2020

M/s.J.B.Fancy Boxes,
Rep. by its Proprietor J. Syed Ali,
No.16/28, Balasubramani Street,
Old Washermenpet, Chennai -21.

...Petitioner

Vs.

1. Tender Inviting Authority,
Rep. by its Deputy Chairman,
Administrative Office, Chennai Port Trust,
Rajaji Salai, Chennai -1.
2. The Traffic Manager,
Administrative Office, Chennai Port Trust,
Rajaji Salai, Chennai -1.
3. The Deputy Traffic Manager (L&B),
Administrative Office, Chennai Port Trust,
Rajaji Salai, Chennai -1.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for records in connected with E-Tender Notification bearing No.C6/012/2020/T dated 15.01.2020 issued by the second respondent along with letter dated 23.01.2020 bearing No.C6/TENDER/2020/T and quash the same consequently direct the first respondent to place the work order to the petitioner in terms of the allotment



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order dated 13.12.2019 in respect of item 5 of E-Tender Notification Bearing No.C6/89/2019/T Dated 23.08.2019.

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For Petitioner : Mr.P.Sidharthan

For Respondents : Mrs.Madhuri Donti Reddy

ORDER

This Writ petition has been filed seeking quashment of the E-Tender Notification bearing No.C6/012/2020/T dated 15.01.2020 issued by the 2nd respondent along with letter dated 23.01.2020 bearing No.C6/TENDER/2020/T and to consequently direct the 1st respondent to place the work order to the petitioner in terms of the allotment order dated 13.12.2019 in respect of item 5 of E-Tender Notification Bearing No.C6/89/2019/T Dated 23.08.2019.

2. The case of the petitioner is that the petitioner/company was declared as the successful bidder under the E-Tender notification issued by the 2nd respondent in Tender No.C6/89/2019/ dated 23.08.2019, in respect of allotment of covered space inside Custom Bound Area in “As is where is condition” on annual licence basis for a period 5 years without any renewal option for the purpose of running Canteen/Duty Free shop/Handicrafts



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Shop. The petitioner opted for S No.3 & 5 and pursuant to which, the petitioner/company was placed with allotment order in respect of S No.3.

While such being the case, the petitioner came to know about the fresh Tender bearing No.C6/012/2020/T dated 15.01.2020 incorporating S No.5 as S No.2. Immediately, the petitioner sent a representation dated 22.01.2019 to the 1st & 2nd respondents, seeking explanation about non-compliance after the bid. In such circumstances, the petitioner was issued with a notice dated 23.01.2020, stating no reason with regard to re-tender in respect of S No.5 and simply directing the petitioner/company to participate in the re-tender notification dated 15.01.2020. Challenging the same, the petitioner has come up with this Writ petition.

3. Learned counsel for the petitioner submitted that, during the pendency of this Writ petition, the respondents have cancelled the re-tender/fresh tender in respect of S No.5. Hence, he submitted that, it would suffice, if this Court grants permission to the petitioner to make appropriate application before the respondents for allotment of S No.5 in favour of the petitioner.

4. Learned Standing counsel appearing for the respondents submitted



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that, if any such application is received from the petitioner with regard to allotment of S No.5, the same will be considered and appropriate orders will be passed, after following due process of law.

5. Heard learned counsel on either side and perused the material documents placed on record.

6. In view of the aforesaid submissions made by the learned counsel on either side, this Court, without interfering with the impugned E-Tender notification, directs the petitioner to make appropriate application before the respondents for allotment of S No.5. Upon receipt of such application, the 2nd respondent shall consider the same on merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, after affording opportunity of hearing to the petitioner and after taking into account the EMD amount already paid by the petitioner/company.

7. With the above observations and directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous



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petition is closed.

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(1/2)

skt

NCC : Yes / No

Speaking Order : Yes / No

Index : Yes / No

To

1. Tender Inviting Authority,
Rep. by its Deputy Chairman,
Administrative Office, Chennai Port Trust,
Rajaji Salai, Chennai -1.
2. The Traffic Manager,
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Rajaji Salai, Chennai -1.
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in

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M.DHANDAPANI., J.

Dispense with ordered for the
present.

20.06.2023

(2/2)

skt