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W.P.No.8712 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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

W.P.No.8712 of 2023

Shri Shanthi Surgicare,
Rep. by Manager,
Sai Prasanth B.D,
Plot No.1, Sidco Nanjikottai Village,
Nanjikottai, Thanjavur - 613 006.

...Petitioner

Vs.

1. The State of Tamil Nadu Rep. by,
The Secretary Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.
2. The Principal Secretary,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.
3. The Managing Director,
Tamil Nadu Medical Service Corporation,
No.17, Pantheon Road, Egmore, Chennai - 8.
4. The General Manager (Drugs),
Tamil Nadu Medical Service Corporation,
No.17, Pantheon Road, Egmore, Chennai - 8.
5. The Manager (Drugs),

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Tamil Nadu Medical Service Corporation,
No.17, Pantheon Road, Egmore, Chennai - 8. ...Respondents

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd Respondent to dispose the petitioner's Appeal dated 09.11.2022, to set aside the impugned rejection order dated 02.05.2022 of the petitioner's tender application for supply of Mother and Baby Care Kits, in Tender No.014/M(P)/MBC-KIT/TNMSC/2021 dated 16.02.2022.

For Petitioner : Mr.Vimal B.Crimson

For Respondents : Mr.K.M.D.Muhilan, AGP, for R1 & R2.
: Mr.Shivakumar, for R3 - R5.

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 3rd respondent to dispose of the petitioner's Appeal dated 09.11.2022 as early as possible.

2. Mr.K.M.D.Muhilan, learned Additional Government Pleader takes notice for the 1st and 2nd respondents. Mr.Shivakumar, learned counsel takes notice for the respondents 3 to 5. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.



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3. The case of the petitioner is that the petitioner firm is one of the supplier of Mother & Baby Care Kits and had already supplied 20% of the Mother & Baby Care Kits to the Tamil Nadu Government during the year 2018-2019 through M/s. National Co-operative Consumers Federation of India Ltd New Delhi along with the other two respective successful bidders. The Tamil Nadu Medical Services Corporation Ltd, invited sealed tender dated 16.02.2022 for supply of Mother & Baby Care Kits to the Tamil Nadu Medical Services Corporation Ltd and the petitioner herein participated in the said tender. While so, the 3rd respondent, vide order dated 02.05.2022, rejected the petitioner's tender application, aggrieved by which, the petitioner filed a Writ petition before this Court in W.P.No.13594 of 2022 and the same was dismissed, vide order dated 23.06.2022. Challenging by the same, the petitioner filed a Writ Appeal before this Court in W.A.No. 1638 of 2022 and the same was disposed of, vide order dated 22.08.2022 in the admission stage itself, by granting liberty to the petitioner to file appropriate appeal under Section 11 of the Tamil Nadu Transparency in Tender Act 1998 Court. Pursuant to which, the petitioner preferred an appeal dated 09.11.2022 before the 2nd respondent, however, till date, no orders have been passed on the said appeal. Hence, this Writ petition.



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4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's appeal dated 09.11.2022 and dispose of the same as expeditiously as possible.

5. Learned counsel appearing for the respective respondents have no serious objection for the said order being passed.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the petitioner's appeal dated 09.11.2022 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

7. This Writ petition is accordingly disposed of. No costs.

21.03.2023

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Speaking Order : Yes/ No

Index : Yes/ No

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