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W.P.Nos.9286 & 9292 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

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

W.P.Nos.9286 & 9292 of 2023
and
WMP.Nos.9391 & 9392 of 2023

T.Anbalagan Constructions,
Contractor,
No.9, Nathamedu Street, Olakkur Post,
Tindivanam Taluk, Vilupuram District.
W.Ps.

...Petitioner in both

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Highways Department,
Nabard and Rural Road Circle,
Fort St. George, Chennai-9.
2. The Superintending Engineer,
Office of the Superintending Engineer (Highways),
Nabard and Rural Roads Circle,
Chengalpattu.
3. The Divisional Engineer (H),
Nabard and Rural Roads,
Vellore Cuddalore and Chengalpattu Division.
4. Kavish Constructions,
No.13/14, Rashma Homes,
Duraishamy Reddy 2nd Street, V.C.Nagar,
Korattur, Chennai- 600 080.



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5. Renugammal Constructions,
Cheyyur, Chengalput District.

...Respondents in both W.Ps.

Prayer in W.P.No.9286 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents particularly the Superintending Engineer(Highways) NABARD and Rural Roads Circle, Chengalpattu the 2nd respondent herein to award the tender in respect of Item No.3 in Tender Notice No.16/2022-2023/SDO dated 28.12.2022 upgradation of MV Road to Agaram Road KM o/o 3/2 in favour of the petitioner on the basis of the online tender application submitted on 28.01.2023 through the online for the above work and further direction to the 2nd respondent to issue the work order in respect of the item No.3 of the tender notice No.16 2022-23/SDO dated 28.12.2022 forthwith to the Petitioner.

Prayer in W.P.No.9292 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents particularly the Superintending Engineer(Highways) NABARD and Rural Roads Circle, Chengalpattu the 2nd respondent herein to award the tender in respect of Item No.2 in Tender Notice No.18/2022-2023/SDO dated 28.12.2022 upgradation of MV Road to Perukaranai Road KM o/o 3/2 in favour of the petitioner on the basis of the online tender application submitted on 28.01.2023 through the online for the above work and further direction to the 2nd respondent to issue the work order in respect of the item No.2 of the tender notice No.18 2022-23/SDO dated 28.12.2022 forthwith to the Petitioner.

In Both W.Ps.:

For Petitioner : Mr.K.Balakrishnan

For Respondents : Mr.U.Bharanidharan, AGP, for R1 to R3

COMMON ORDER



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Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.

2. Mr.U.Bharanidharan, learned Additional Government Pleader takes notice for the respondents. In view of the consent expressed by the learned counsel on either side, these petitions are taken up for final disposal.

3. Since no adverse order is being passed against the 4th and 5th respondents, notice to the private respondents is dispensed with.

4. The case of the petitioner is that the petitioner/company is a construction company, which took part in the tenders floated by the 2nd respondent on dual occasion, vide Tender Notices bearing Nos.16/2022-2023/SDO dated 28.12.2022 and 18/2022-2023/SDO dated 28.12.2022 respectively, for upgradation of respective MV Roads and submitted its online applications on 28.01.2023. Though the petitioner/company complied with the tender conditions and made the respective security deposits in favour of the Divisional Engineer, NABARD Rural Road, Changalpattu on



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27.01.2023, however, till date, the petitioner/company's respective tender applications were not processed and no work orders were issued in favour of the petitioner. Hence, these Writ petitions.

5. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to respondents 1 to 3 to consider the petitioner's respective online applications dated 28.01.2023 and award the tenders in respect of Item No.2 in Tender Notice No.18/2022-2023/SDO dated 28.12.2022 and Item No.3 in Tender Notice No.16/2022-2023/SDO dated 28.12.2022 and also issue the respective work orders to the petitioner, as expeditiously as possible.

6. Learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that, pursuant to the order of this Court dated 13.02.2023 made in W.P.Nos.4097 & 4101 of 2023, directing the 2nd respondent to evaluate the bids of the petitioner therein within a period of 25 days, the Technical bids were opened and evaluated. Further, the petitioner's respective tender applications were also considered and the same were rejected on the ground that, the original Quality Control Certificate was not



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submitted and the above said Tender Summary Reports of the respective Tenders were uploaded in the website/web portal on 27.03.2023. Hence, the present Writ petitions are not maintainable and accordingly, he prayed for dismissal of the same.

7. Heard learned counsel on either side and perused the materials available on record.

8. A perusal of the materials placed on record, particularly the report filed by the 2nd respondent, it is evident that, the petitioner's respective Tender applications were rejected by the respondents on the ground that, the petitioner has not submitted the respective Original Quality Control Certificate along with the respective tender applications and the above said Tender Summary Reports of the respective Tenders were also uploaded in the website/web portal by the respective official respondent on 27.03.2023. Hence, this Court is of the view that, no further adjudication is required in these Writ petitions. However, the petitioner is at liberty to workout the remedy in the manner known to law.

9. For the reasons aforesaid, these Writ Petitions stand dismissed. No



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costs. Consequently, connected Miscellaneous petitions are closed.

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NCC : Yes/ No

Speaking Order : Yes/ No

Index : Yes/ No

M.DHANDAPANI., J.

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To

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Rep. by its Secretary,
Highways Department,
Nabard and Rural Road Circle,
Fort St. George, Chennai-9.
2. The Superintending Engineer,
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