



WEB COPY



W.P.No.12480 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.12480 of 2023
and WMP No.12304 of 2023

M/s.DSR Sons India Engineers Private Ltd,
Rep. by its Managing Director
D.S.Ravee Kumar
No.49, 1st Floor, HIG NH -1
Vallal MGR Street, Maraimalai Nagar
Chengalpattu District.

... Petitioner

-Vs-

1. State of TamilNadu
Rep.by its Additional Chief Secretary to
the Government
Municipal Administration and
Water Supply Department
Secretariat, Chennai- 600 009.
2. The Director /Commissioner of
Administration
No.78, Urban Administrative Building
Santhome High Road
Chennai 600 028.
3. The Commissioner
Maraimalainagar Municipality
Maraimalainagar
Chengalpattu 603 209.
4. The Municipal Engineer
Maraimalainagar Municipality
Maraimalainagar
Chengalpattu - 603 209.



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5. The Chairman
Maraimalainagar Municipality
Maraimalainagar
Chengalpattu 603 209.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to open the tender submitted by the petitioner dated 19.04.2023 (totally five bids) in tender Reference Nos: Na.Ka.No 661 / 2022 / E1 dated 03.04.2023 work No. 1 and 2 :

1. Laying Tar Road MGR street of Ward No. 1
 2. Laying Tar Road VGP Mount Marry Town Road at Ward No. 3 Na.Ka. No. 661 / 2022 / E1 dated 03.04.2023 work No. 4, 5 and 8 :
 4. Laying Tar Road Chitherikarai Road at Ward No. 8 (Unicode 0200BR241)
 5. Laying Tar Road Yerikarai Street, Hallmark Road at Ward No.10 (Unicode 0200010R647)
 8. Laying Tar Road Mattanaodai Main Road at Ward No. 16 (Unicode 020016R764)
- on the file of the 3rd respondent and evaluate the same in accordance with law and award contract to the lowest bidder.

For Petitioner Mr.S.Doraiswamy

For Respondent Mr.C.Selvaraj
Additional Government Pleader
for R1, R2
Mr.P.Srinivas
Standing Counsel
for R3, R4, R5

ORDER



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This writ petition has been filed for the issue of a writ of mandamus directing the respondents to open the tender that has been submitted by the petitioner and evaluate the same and proceed further in accordance with law.

2. When the matter came up for hearing on 21.4.2023, this Court passed the following order:

Mr.C.Selvaraj, learned Additional Government Pleader, takes notice for respondents 1 and 2.

2. Mr.P.Srinivas, learned Standing Counsel, takes notice for respondents 3 and 4.

3. The main grievance that has been expressed in this writ petition is that the third respondent has not opened the tender that was submitted by the petitioner and evaluated the same. The further grievance of the petitioner is that even as per the tender notification, a tender has to be submitted only through on line mode and there is no scope for physical handing over of the bids. The petitioner has expressed apprehension that the third respondent is also accepting personal bids and that is the reason why there is a delay.

4. Learned Standing Counsel appearing on behalf of the Municipality seeks for some time to take written instructions from the third respondent and report before this Court. 5. It is made clear that the bids that were uploaded through on line mode alone should be taken up for evaluation as per the notification. Post 'for orders' on 25.04.2023.

5. It is made clear that the bids that were uploaded through on line mode alone should be taken up for evaluation as per the notification.

Post 'for orders' on 25.04.2023.

3. When the matter was taken up for hearing today, the 3rd respondent has filed a



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counter affidavit and the relevant portions are extracted hereunder:

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7. The process of opening of the tenders was done on 19-04- 2023 at 5:00 PM. The summary of the Tenders submitted was read out to the tenderers who were present. The representative of the Petitioner by name Mr.Thavamani, supervisor cum Manager, was present, and the online tenders were opened in the presence of the said representative as well as other tenderers who were present in the office. Tender bid were opened and in the presence of the tenderers and the price bids the tenderers were read out to all the tenderers present and the entire process is also covered in the CCTV available in the Municipal Office.

8. Thereafter, the scrutiny of the tenders is underway and the result of the said consideration will be known when the scrutiny committee sends its report. This report will be placed before Municipal Council for its decision and the work orders will be issued as per the decision of the Council.

9. The Petitioners bids have also been received and the same is under consideration of the Scrutiny committee and the report of the scrutiny committee will be received on or before 25-04-2023.

10. In regard to the allegations of the petitioner that the respondents herein are receiving the Tenders in the offline mode also is submitted that the said allegations are false. The fact is that the Tender Box was placed for the receipt of the DDs in physical form in sealed covers. A few contractors have submitted their bids in sealed covers as if the offline method of tenders is being followed. The said Tenders that have been dropped in the Tender Box kept for submission of DDs have been rejected and the same are not taken for consideration. Therefore, there is no cause of action for the petitioner to file the present Writ Petition.

4. In the light of the above stand taken by the 3rd respondent, it is seen that the 3rd



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respondent is in the process of scrutinizing the bids that were received, which also includes the bids that were submitted by the petitioner. That apart, except the demand draft, no other document was received in physical form. In view of the same, the apprehension raised by the petitioner has been sufficiently answered and it is left open to the 3rd respondent to complete the process of evaluation at the earliest.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No

N.ANAND VENKATESH, J.



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