



W.P.Nos.12331, 12333, 12340 and 12342 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.12331, 12333, 12340 and 12342 of 2020
and**

**W.M.P.Nos.15157, 15161, 15163, 15166, 15179, 15180, 15182 and 15183
of 2020**

M/s.Salem Automech,
Represented by its Authorised Signatory
Mr.S.Sidesh Kumar,
No.5/37-A, Salem-Bangalore N.H.Road,
Jagir Ammapalayam,
Salem – 636 302,
Tamil Nadu.

... Petitioner
in all W.Ps'

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai – 600 009.
2. The Project Director /
Tender Inviting Authority,
District Rural Development Agency (DRDA),
Tiruvannamalai District.



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3. The District Collector and Chairman,
District Rural Development Agency (DRDA),
Tiruvannamalai District.

... Respondents
in all W.Ps'

PRAYER in W.P.No.12331 of 2020: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent culminating in his impugned proceedings bearing Roc.No.A10/1974/2019 dated 20.08.2020 (received by email on 21.08.2020) confirming the second respondent's letter and proceedings bearing Roc.No.A10/1974/2019 dated 06.08.2020 (received by email on 07.08.2020) and consequently, holding that the petitioner is not qualified for technical bid and ineligible to participate in the price bid pertaining to the tender bearing Tender Id:2019-RDTN-127634-2, Tender Reference No.A10/1974/2019 dated 30.05.2019 P01, Name of the work : Rate contract for the supply of Tri-cycle with rear body / pushcart for garbage handling 532 Nos. for the Village Panchayats in Package No.01, Tiruvannamalai Sub Division of Tiruvannamalai District, quash the same and consequently direct the respondents 2 and 3 to permit the petitioner to participate further in the said tender by opening and evaluating the petitioner's price bid.

PRAYER in W.P.No.12333 of 2020: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent culminating in his impugned proceedings bearing Roc.No.A10/1974/2019 dated 20.08.2020 (received by email on 21.08.2020) confirming the second respondent's letter and proceedings bearing Roc.No.A10/1974/2019 dated 06.08.2020 (received by email on 07.08.2020) and consequently, holding that the petitioner is not qualified for technical bid and ineligible to participate in the price bid pertaining to the tender bearing Tender Id:2019-RDTN-127637-2, Tender Reference No.A10/1974/2019 dated 30.05.2019 P02, Name of the work : Rate contract for the supply of Tri-cycle with rear body /



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pushcart for garbage handling 403 Nos. for the Village Panchayats in Package No.02, Polur Sub Division of Tiruvannamalai District, quash the same and consequently direct the respondents 2 and 3 to permit the petitioner to participate further in the said tender by opening and evaluating the petitioner's price bid.

PRAYER in W.P.No.12340 of 2020: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent culminating in his impugned proceedings bearing Roc.No.A10/1974/2019 dated 20.08.2020 (received by email on 21.08.2020) confirming the second respondent's letter and proceedings bearing Roc.No.A10/1974/2019 dated 06.08.2020 (received by email on 07.08.2020) and consequently, holding that the petitioner is not qualified for technical bid and ineligible to participate in the price bid pertaining to the tender bearing Tender Id:2019-RDTN-127638-2, Tender Reference No.A10/1974/2019 dated 30.05.2019 P03, Name of the work : Rate contract for the supply of Tri-cycle with rear body / pushcart for garbage handling 544 Nos. for the Village Panchayats in Package No.03, Chengam Sub Division of Tiruvannamalai District, quash the same and consequently direct the respondents 2 and 3 to permit the petitioner to participate further in the said tender by opening and evaluating the petitioner's price bid.

PRAYER in W.P.No.12342 of 2020: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent culminating in his impugned proceedings bearing Roc.No.A10/1974/2019 dated 20.08.2020 (received by email on 21.08.2020) confirming the second respondent's letter and proceedings bearing Roc.No.A10/1974/2019 dated 06.08.2020 (received by email on 07.08.2020) and consequently, holding that the petitioner is not qualified for technical bid and ineligible to participate in the price bid pertaining to the tender bearing Tender Id:2019-RDTN-127639-2, Tender Reference No.A10/1974/2019 dated 30.05.2019 P04,



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Name of the work : Rate contract for the supply of Tri-cycle with rear body / pushcart for garbage handling 442 Nos. for the Village Panchayats in Package No.04, Cheyyar Sub Division of Tiruvannamalai District, quash the same and consequently direct the respondents 2 and 3 to permit the petitioner to participate further in the said tender by opening and evaluating the petitioner's price bid.

For Petitioner
in all W.Ps' : Mr.A.Arun Anbumani
For Respondents
in all W.Ps' : Mr.V.Manoharan
Additional Government Pleader

COMMON ORDER

When these matters were taken up for hearing, the learned counsel appearing for the petitioner would submit that the petitioner has participated in the 'E' tender process issued by the second respondent for supply of pushcart to the local bodies. However, the tender application was rejected technically on the ground that the petitioner has not satisfied with the tender conditions. He further submitted that though the rejection order is frivolous in nature, as the period of tender is one year and the same is over, the prayer sought for in these Writ Petitions have become infructuous. He further submitted that the respondents shall be directed not to rely upon the similar rejection order in the future tender process.



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2. Recording the said submissions made by the learned counsel for the petitioner, these Writ Petitions are dismissed as infructuous with a direction to the respondents to give an opportunity to the petitioner, before passing any orders, if he participates in the future tender. No costs. Consequently, connected Miscellaneous Petitions are closed.

06.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

1. The Government of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai – 600 009.
2. The Project Director /
Tender Inviting Authority,
District Rural Development Agency (DRDA),
Tiruvannamalai District.
3. The District Collector and Chairman,
District Rural Development Agency (DRDA),
Tiruvannamalai District.



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