



WEB COPY



W.P.No.20085 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.20085 of 2023

M/s.KCP Infra Limited,
Represented by its Authorised Signatory/Director,
K.Muthukumarasamy,
Number 4, Ground Floor, Alayam Space,
Aanandha Road, Alwarpet,
Chennai-600 018

... Petitioner

Vs.

1.Additional Chief Secretary to Government,
National Highways,
Fort St.George,
Chennai-600009.

2.The Superintending Engineer,
National Highways,
Omalur Main Road,
Narasothipatty, Alagapuram (PO),
Salem-636004.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to consider the representation of the petitioner company, dated 28.04.2023 for the limited



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purpose of accepting physical bank guarantee in lieu of their onerous condition of accepting only E-bank guarantee in all their future tender notifications.

For Petitioner : Mr.K.Jayaraman

For Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The 2nd respondent has invited tender dated 13.03.2023, and also on 08.06.2023 which *inter alia* requires providing e-bank guarantee and the petitioner seeks that he be permitted to provide bank guarantee in physical form. The grievance of the petitioner is that most banks do not offer e-bank guarantee.

3.Mr.C.Kathiravan, the learned Special Government Pleader, makes a statement on instruction, stating that the norms have been relaxed as per Circular No.NH-24028/14/2014-H(Vol-II) (E-134863), Government of



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India, Ministry of Road Transport and Highways (Highways Section), dated 31.05.2023, which permits both physical and e-guarantee.

4.Learned counsel for the petitioner submitted that the circular was issued after the tender notification dated 08.06.2023.

5.Since the tender dated 08.06.2023 has not yet closed, the authority concerned are now required to receive physical guarantees in accordance with the circular dated 31.05.2023.

4.This writ petition is accordingly disposed of. No Costs.

14.07.2023

Anu

Index : Yes / No

Neutral citation : yes/no

N.SESHASAYEE, J.

Anu



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