



W.P. Nos. 29258, 29265, 29271, 29272 and 29304 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 29258, 29265, 29271, 29272 and 29304 of 2023

and

**W.M.P. Nos. 28867, 28870, 28880, 28881, 28885, 28887, 28889, 28890,
28926 and 28927 of 2023**

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

... Petitioner in all W.Ps

-VS-

1. The Commissioner,
Tambaram City Municipal Corporation,
Tambaram, Chennai – 600045.
2. The Executive Engineer,
Tambaram City Municipal Corporation,
Tambaram, Chennai – 600045.
3. The Assistant Executive Engineer,
Tambaram City Municipal Corporation,
Tambaram, Chennai – 600045.
4. The Assistant Engineer,
Tambaram City Municipal Corporation,
Tambaram, Chennai – 600045.
5. The Town Planning Inspector,
Tambaram City Municipal Corporation,
Tambaram, Chennai – 600045.



W.P. Nos. 29258, 29265, 29271, 29272 and 29304 of 2023

6. The Manager,
Tambaram City Municipal Corporation,
Tambaram, Chennai – 600045.

7. The National Informatics Centre,
Tamil Nadu State Centre,
Rajaji Bhavan Complex,
3rd Avenue, Thiruvalluvar Nagar,
Besant Nagar, Chennai – 600090.

8. Government of Tamil Nadu,
Rep. by its Principal Secretary,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St. George,
Chennai – 600009.

(R8 is *suo motu* impleaded vide this order)

... Respondents in all W.Ps

Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 07.09.2023 issued by the First-Sixth Respondents through the E-Portal of the Seventh Respondent in respect of Tender Reference No. 490 / 2023 / e1 - Retender - NSMT 5 works and Tender ID Nos. 2023_MAWS_362092_2, 2023_MAWS_362092_4, 2023_MAWS_362092_1, 2023_MAWS_362092_3 and 2023_MAWS_362092_5 respectively and quash the same and consequently direct the Respondent to issue re-tender in a transparent manner by publishing comparative analysis of the bids and other information through the Seventh Respondent E-Portal.



WEB COPY



W.P. Nos. 29258, 29265, 29271, 29272 and 29304 of 2023

For Petitioner : Mr. S.S.Rajesh
in all W.P.s for Ms. R.Nandhini

For Respondents : Mr. P.Srinivas,
in all W.P.s (for R1 to R6)

No appearance (for R7)

Mr. U.Baranidharan,
Additional Government Pleader (for R8)

COMMON ORDER

Heard Mr. S.S.Rajesh, Learned Counsel for the Petitioner, Mr. P.Srinivas, Learned Counsel, who takes notice for the First to Sixth Respondents, and Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the Eighth Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that it had participated in Packages Nos. 4, 5, 6, 7 and 8 in furtherance to the Tender Notification in Roc. No. 595/2023/E1 (Main Office) dated 14.06.2023 and Re-tender Notification in ROC. No. 490/2023/L1(MAIN) dated 14.08.2023 published by the First Respondent. It has been informed to the Petitioner through the e-portal of the Seventh Respondent on 07.09.2023 its the Tenders in Reference No. 490/ 2023/e1-REtender-NSMT



W.P. Nos. 29258, 29265, 29271, 29272 and 29304 of 2023

5 works and Tender in Tender ID Nos. 2023_MAWS_362092_2,

2023_MAWS_362092_4, 2023_MAWS_362092_1, 2023_MAWS_362092_3

and 2023_MAWS_362092_5 have not been selected without disclosing the reasons, which are assailed in these Writ Petitions.

3. Learned Counsel appearing for the First to Sixth Respondents, on instructions, states that the Petitioner was not the lowest bidder in any of those tenders as reflected in the Finance Bid Evaluation Summary, which has been uploaded on 07.09.2023 in the official website of the e-Procurement System of the Government of Tamil Nadu, and has produced their print-outs before this Court, which are placed on record.

4. It sought to be explained by Learned Counsel for the Petitioner that the said website was not functioning and it was only on receipt of their print-outs in Court today that the Petitioner has come to know the actual reasons for its bids not having been selected in the tenders.

5. At this stage, Learned Counsel for the Petitioner states that the Petitioner had also immediately made a representation dated 08.09.2023 to the concerned authorities when it came to be known that its bids have not been selected in the



W.P. Nos. 29258, 29265, 29271, 29272 and 29304 of 2023

tenders, and that the same may be treated as appeal under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998 (hereinafter referred to as 'the Act' for short), to the Government of Tamil Nadu.

6. Since the appeal under Section 11 of the Act has to be heard by the Principal Secretary to the Government of Tamil Nadu, Municipal Administration and Water Supply Department, Secretariat, Fort St. George, Chennai – 600009, he is *suo motu* impleaded as the Eighth Respondent in each of these Writ Petitions.

7. In view of the foregoing discussion, though this Court is not inclined to interfere with the impugned orders informing the Petitioner that its bids have not been selected in the respective tenders, the following order is passed:-

- (i) the Eighth Respondent shall treat the representation dated 08.09.2023 made by the Petitioner as appeal under Section 11 of the Act against the impugned orders;
- (ii) the Petitioner may also submit memoranda raising further contentions in that appeal;
- (iii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the



W.P. Nos. 29258, 29265, 29271, 29272 and 29304 of 2023

Petitioner requiring the same to be furnished within a time frame of not

less than 10 days for the same;

- (iv) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (v) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (vi) the report of compliance shall be filed before the Registrar (Judicial) of the Court.

In the result, these Writ Petitions are disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

11.10.2023

kv

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.05.2024.



W.P. Nos. 29258, 29265, 29271, 29272 and 29304 of 2023

To

1. The Commissioner,
Tambaram City Municipal Corporation,
Tambaram,
Chennai – 600045.
2. The Executive Engineer,
Tambaram City Municipal Corporation,
Tambaram,
Chennai – 600045.
3. The Assistant Executive Engineer,
Tambaram City Municipal Corporation,
Tambaram,
Chennai – 600045.
4. The Assistant Engineer,
Tambaram City Municipal Corporation,
Tambaram, Chennai – 600045.
5. The Town Planning Inspector,
Tambaram City Municipal Corporation,
Tambaram, Chennai – 600045.
6. The Manager,
Tambaram City Municipal Corporation,
Tambaram, Chennai – 600045.
7. The National Informatics Centre,
Tamil Nadu State Centre,
Rajaji Bhavan Complex,
3rd Avenue, Thiruvalluvar Nagar,
Besant Nagar, Chennai – 600090.
8. The Principal Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai – 600009.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. M/s. DSR Sons India Engineers Private Limited,
Rep. by its Managing Director D.S.Ravee Kumar,
No. 49, 1st Floor, HIG, NH-1, Vallal MGR Street,
Maraimalai Nagar,
Chengalpattu District.



WEB COPY



W.P. Nos. 29258, 29265, 29271, 29272 and 29304 of 2023

P.D. AUDIKESAVALU, J.

kv

W.P. Nos. 29258, 29265, 29271, 29272 and 29304 of 2023

11.10.2023