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W.P.No.29211 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.29211 of 2023
and W.M.P.Nos.28807 and 28808 of 2023

Chennai Fire Works Dealers Welfare Association
rep. By its Executive President R.Natarajan .. Petitioner

VS

- 1.The Principal Secretary to Government,
Tourism, Culture, Religious Endowments
and Chairman,
Tamil Nadu Tourism Development Corporation,
Fort St. George, Secretariat, Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Tourism Development Corporation,
No.2, Wallajah Salai, Chennai – 600 002.
- 3.The General Manager,
Tamil Nadu Tourism Development Corporation,
No.2, Wallajah Salai, Chennai – 600 002.
- 4.Chennai Fireworks Merchants Welfare Association
rep. By its President Z.Mohammed Javeed Akthar,
No.9/27, Raja Street, Raja Annamalaipuram,
Chennai – 600 028. .. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the second
respondent to accept firm's commercial bid submitted along with the
E-Tender application for conduct of "Diwali Crackers Fair 2023" at



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Island Grounds by rejecting the Technical Bid of the fourth respondent who is ineligible to participate in the E-Tender vide Tender Notification bearing No.72/FS/2023-1 and consequently direct the respondent nos.1 to 3 to follow the terms and conditions laid down in the said tender notification by invoking the provisions of the Tamil Nadu Transparency in Tenders Act, 1998 and The Tamil Nadu Transparency in Tender Rules, 2000 and previous orders of this Court.

For Petitioner	:	Mr.M.Vijay Anand
For Respondents	:	Mr.R.Neelakandan, Additional Advocate General assisted by Ms.Daisy Rani for R1 to R3 Mr.P.V.Balasubramanian, Senior Counsel for Mr.M.Venkatesh for R4

ORDER

Read this order in conjunction with and in continuation of order dated 30.10.2023, that reads as follows:-

"Read this order in conjunction with and in continuation of order dated 19.10.2023.

2. After hearing all the parties, it is seen that the award of tender for the present year suffers from a lacunae. One of the tender conditions requires, as a condition for participation, that the 'tenderer' should have participated in/managed fairs for crackers for



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three years prior to the present year. Admittedly R4 does not have that eligibility as it has been registered as a society only in 2021. The participants in the fairs for the years 2017 and 2019 are individuals (who are stated to be members in R4 association) and not R4 itself.

3. Bearing in mind the paucity of time for conduct of the event (since Deepavali is imminent) a via media is arrived at with all parties' consent. The petitioner association as well as R4 will appear before the Managing Director, Tamil Nadu Tourism Development Corporation (TTDC)/R2 tomorrow (31.10.2023) at 2.30 p.m., to decide on the question of allotment of shops.

4. The plan that is circulated reveals 55 shops and Mr.Neelakandan, learned Additional Advocate General states that, taking into account all safety measures, 5 more shops can be accommodated. This takes the total number of shops to 60. Let an equitable allotment be made qua the petitioner association and R4. The request of members of the Chennai Metro Fire Works Dealers Association may also be accommodated if possible and if those members hold all eligibility criteria.

5. The premium stated to have been collected by R4 towards each cracker booth is Rs.4,00,000/-. To be fair, the entire collections from premium would have to be apportioned between the petitioner and R4 bearing in mind the proportion of shops allotted to each.

6. List on 01.11.2023."

2. The minutes of the meeting, scheduled on 30.10.2023 at 2.30 p.m., is extracted below:-

"TAMILNADU TOURISM DEVELOPMENT
CORPORATION LTD

PERSONAL HEARING HELD AT TTDC Ltd. HEAD
OFFICE ON 31.10.2023 AT 02.30 PM AS PER



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THE DIRECTIONS OF THE HON'BLE HIGH
COURT OF MADRAS IN W.P.No.29211/2023,
Dated: 30.10.2023

In Attendance:

Tamilnadu Tourism Development Corporation
Ltd:

- 1.Tmt.Karla Usha, I.A.S.,
Principal Secretary to Government/
Chairperson & Managing Director, TTDC Ltd.
- 2.Thiru.R.Venkatesan, Senior Manager (Fair),
TTDC Ltd.
- 3.Tmt.S.S.Deepthi, Company Secretary, TTDC
Ltd.

Petitioner, M/s.Chennai Fireworks Dealers
Welfare Association:

- 1.R.Natarajan, Working Chairman
- 2.P.Mujipur Rahman, Honorary President
- 3.M.Vijay Anand, Counsel for Petitioner in
W.P.No.29211/2023.

4th Respondent, M/s.Chennai Crackers
Merchants Welfare Association:

- 1.S.Ganesan, Secretary
- 2.V.Sudhakar, Treasurer
- 3.M.Venkatesan, Counsel for 4th Respondent

As per the directions of the Hon'ble High
Court of Madras, in W.P.No.29211/2023 &
W.M.P. Nos.28807 & 28808/2023 the petitioner
M/s.Chennai Fireworks Dealers Welfare
Association as well the 4th Respondent
M/s.Chennai Crackers Merchants Welfare
Association along with their respective counsels
appeared before the Principal Secretary to
Govt/Chairperson & Managing Director, TTDC
Ltd /R2 on 31.10.2023.

After detailed deliberations and



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discussions in front of myself and between the parties, the following was mutually agreed by both sides.

1)It was agreed to allot 12 shops (A Shop – 10 Nos (nearby Garden area Sl.No.19 to 20, 28 & 29 and 33 to 38) and B Shop – 2 Nos (Sl.No.45&46)) out of total 60 number of Shops (55+5) to the Petitioner, M/s.Chennai Fireworks Dealers Welfare Association.

2)It was also decided that the petitioner M/s.Chennai Fireworks Dealers Welfare Association shall make the rental payment for 12 Shops i.e. Rs.19,84,970/- (Rs.1,65,414/- per shop x 12 Shops) to TTDC Ltd and TTDC will refund the amount of Rs.19,84,970/- to the 4th Respondent M/s Chennai Crackers Merchants Welfare Association,

3)It was also agreed by the petitioner M/s.Chennai Fireworks Dealers Welfare Association to reimburse Rs.12,00,000/- (Rs.1,00,000/- x 12 Nos of Shops) towards expenses incurred for erection of stall, insurance, safety measures expenses, etc., to R4 M/s Chennai Crackers Merchants Welfare Association.

The discussion between the petitioner M/s.Chennai Fireworks Dealers Welfare Association and 4th Respondent M/s Chennai Crackers Merchants Welfare Association conducted at 9.45 P.M.

<i>For Petitioner, M/s.Chennai Fireworks Dealers Welfare Association</i>	<i>Sd/- (R.Natarajan) Working President</i>
<i>For 4th respondent M/s.Chennai Fireworks Merchants Welfare Association</i>	<i>Sd/- (S.Ganesan) Secretary</i>



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No representation or request was received from members of M/s.Chennai Fireworks Dealers Welfare Association.

*Sd/-
Principal Secretary/
Chairperson & Managing Director, TTDC LTD."*

3. Thus, the matter stands fully settled and the Fair shall commence henceforth.

4. Recording the above, this writ petition stands closed. No costs. Connected miscellaneous petitions are closed.

01.11.2023

Index:Yes/No
Neutral Citation:Yes
ssm

Note to Registry : Issue on 02.11.2023.
To

- 1.The Principal Secretary to Government,
Tourism, Culture, Religious Endowments
and Chairman,
Tamil Nadu Tourism Development Corporation,
Fort St. George, Secretariat, Chennai – 600 009.
- 2.The Managing Director,
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DR. ANITA SUMANTH,J.

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