



W.P.No.32490 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.32490 of 2023
and W.M.P.Nos. 32098 & 32099 of 2023

M/s.Naga Electrical Industries
Rep. by its Proprietor,
Mr.Manivasagam,
Having office at
No.3/68, Opp. SIDCO Industrial Estate,
Thelichathanallur, Paramagudi Taluk,
Ramnad District - 623 707

.. Petitioner

VS

The Chief Engineer,
Office of the Chief Engineer / Distribution,
Chennai South Region,
5A Block, 1st Floor, 802 Anna Salai,
Chennai - 600 002.

.. Respondent

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorarified mandamus to call for the
records in e-tender specification No.e-841/2022-23 and quash the
same or direct the respondent to consider the petitioner's company
M/s. Naga Electrical Industries for awarding the e-tender.

For Petitioner	:	Mr.A.Kumanaraja
For Respondent	:	Mr.J.Ravindran, AAG assisted by Mr.L.Jai Venkatesh Standing Counsel

ORDER

This writ petition has been filed by a contractor, who had
participated in a tender issued by the Chief Engineer, Chennai



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South Region (Tender Inviting Authority) / sole respondent for supply of LT MS 4 way pillars.

2. An e-tender has been floated, bearing Notification No.e-841/2022-23 to which the petitioner had responded within time.

3. As, there are no bidders initially, a corrigendum was issued on 09.12.2022 specifying amended parameters for the supplies to be made and extending due date for submission of bids till 10.11.2022 at 3pm for opening of tenders till 11.11.2022.

4. According to the petitioner, he was entirely in dark as to what had transpired thereafter and hence has filed the present writ petition to call for the records in No.e-841/2022-23 and quash the same or in the alternative direct the respondents to award e-tender to his Company.

5. Mr.J.Ravindarn, learned AAG, who appears for Mr.L.Jai Venkatesh, learned counsel on record for the sole respondent, sets the out sequence of dates and events to state that the petitioner has erroneously proceeded on the basis that Tender Inviting Authority has been silent after the opening of bids. He draws attention to the fact that the petitioner's technical bid was found to be satisfactory and hence the petitioner had been short-listed for the second stage in the duel-bid process.



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6. The financial bids had been opened on 24.08.2023 and on the same date, the results had been announced and uploaded. The petitioner was L4 whereas L1 was one Jaya Lathe Works. The sole respondent was directed to file an affidavit confirming that the opening of financial bids had been uploaded and the matter was adjourned to today to await the same.

7. Affidavit dated 21.11.2023 has been filed by the sole respondent wherein he confirms that the financial bids were opened and assessed on 24.08.2023 and the results were uploaded online the same day. The respondent had been asked to provide screen-shots to evidence the aforesaid submission and the screen-shots have also been filed.

8. On 01.09.2023, the respondent has uploaded in the e-procurement portal of the Government of Tamil Nadu a 'bid opening summary'. That list comprises details of 17 bidders, whose bids had passed muster in the technical round. The petitioner is arrayed therein at Sl.No.7. The links available on this page would direct any user to the details of financial bids by all 17 bidders. Thus, it appears that there has been transparency insofar as the process of tender is concerned. However, there has been substantial delay in finalization of the tender itself.

9. The tender Notification has been issued as early as in



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November, 2023 and bids have been received within two months thereafter. There is thus no justification for having kept the process pending till August, 2023.

10. Having said that, the documents now produced by the sole respondent would persuade this Court to note that the process has been completed in an appropriate fashion. Though the petitioner would maintain that there have been irregularities in the award of tender, no such details are supplied to persuade this Court to intervene at this juncture.

11. To be noted, the petitioner has participated in the tender process, and ought to have been vigilant in noting from the e-procurement website that the financial bids and details of successful bidders have been uploaded as early as on 24.08.2023. There is thus no justification in approaching this court three months thereafter and to my mind, this delay is fatal.

12. I find no merit in this writ petition and reiterating the caution expressed in para 9 of this order, that the tender inviting authority must complete the tender process within a reasonable time, this writ petition is dismissed. No costs. Connected miscellaneous petitions are closed.

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Index:Yes/No
Neutral Citation:Yes



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ssm

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To

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DR. ANITA SUMANTH,J.

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