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W.P.Nos.36047 & 36052 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos.36047 & 36052 of 2023
and
W.M.P.Nos. 36026 & 36027 of 2023

P.Jegadish

.. Petitioner
in WP 36047/23

C.Sathiyaseelan

.. Petitioner
in WP 36052/23

vs

1.State Express Transport Corporation Tamil Nadu Ltd.
Rep. by its Managing Director,
Head Office, Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

2.The General Manager,
State Express Transport Corporation Tamil Nadu Ltd.,
Head Office, Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

3.The Branch Manager,
State Express Transport Corporation Tamil Nadu Ltd.,
Coimbatore - 641 030
.. Respondents
in both writ petitions

Prayer in WP 36047 of 2023: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the petitioner's representation dated 15.12.2023 and grant extension of the lease granted to the petitioner by order dated 6.03.2020 bearing number 002880/G1/A.Vi.Po.Ka/2013 in respect of the shop measuring 120 sq ft for a further period of three years.



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Prayer in WP 36052 of 2023: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the petitioner's representation dated 15.12.2023 and grant extension of the lease granted to the petitioner by order dated 3.12.2020 bearing number 005468/G1/A.Vi.Po.Ka/2019 in respect of the shop measuring 24 sq ft for a further period of three years.

For Petitioner : Ms.Hema Muralikrishnan
for Mr.L.Muralikrishnan
(in both writ petitions)

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
(in both writ petitions)

COMMON ORDER

Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, accepts notice for respondents and is in a position to enable final disposal of this matter, even at this juncture.

2. The petitioners had also approached this Court in W.P.Nos.34154 & 34385 of 2023 challenging tender notification dated 23.11.2023 relating to item no.(ix) thereof, being a shop ad-measuring 120 sq ft. The writ petitions came to be dismissed in the following terms:-

"Mr.LSM.Hasan Fizal, learned Senior Standing Counsel who accepts notice for the respondents points out that there is no flaw in the impugned tender notification insofar as the tenure of the present contractors, who are the petitioners, has expired. This is an admitted position.

2. In light of the same and there being no other flaw that is pointed out in the tender notification by the petitioner, the challenge to



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the same is rejected.

3. The only point put forth by the learned counsel for the petitioners is to the effect that the petitioners have lost two years of the contract period on account of the Covid -19 Pandemic.

4. However, the petitioners have not even made a request before the respondents seeking extension of the contract period on account of the pandemic and there is thus no justification for the Court to intervene in this regard.

5. These Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed."

3. Taking a cue from the observation of this Court at paragraph 4 above, a representation has been made now before the respondents, seeking extension of the contract.

4. Luckily, the last date for submission of bids, which was earlier 14.12.2023, has now been extended to 28.12.2023. Hence, there would be no prejudice caused to the respondents and to the conduct of tender itself in permitting the petitioners to participate in the tender and simultaneously directing R2 / General Manager, State Express Transport Corporation Tamil Nadu Ltd., Head Office, Thiruvalluvar House, Pallavan Salai, Chennai to hear the petitioners, consider representation dated 15.12.2023 and dispose the same prior to 27.12.2023.



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5. If at all the petitioner's representation comes to be accepted there would be no basis for continuing the tender and necessary orders will be passed by the respondents. If the representation were to be rejected, the interests of the petitioners will still be protected, by virtue of their participation in the tender.

6. Both writ petitions stand disposed in terms of this order. No costs. Connected miscellaneous petitions are closed.

22.12.2023

Index:Yes/No
Neutral Citation:Yes
ssm

Note : Issue copy of order on 26.12.2023.

To

- 1.The Managing Director,
State Express Transport Corporation Tamil Nadu Ltd.
Head Office, Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.
- 2.The General Manager,
State Express Transport Corporation Tamil Nadu Ltd.,
Head Office, Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.
- 3.The Branch Manager,
State Express Transport Corporation Tamil Nadu Ltd.,
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DR. ANITA SUMANTH,J.

ssm

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