



W.P(MD)No.2796 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 13.02.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.2796 of 2023

and

W.M.P.(MD)No.2587 and 2588 of 2023

Pravin Construction,  
Represented by its Sole Proprietor,  
K.S.K.Harikrishnan

... Petitioner

**Vs.**

1.The Director of Town Panchayat,  
Directorate of Town Panchayat,  
7<sup>th</sup> & 8<sup>th</sup> Floor, Urban Administrative Office Campus,  
Chennai – 28.

2.The District Collector,  
Sivaganga District,  
Sivagangai.

3.The Executive Officer,  
Nerkuppai Town Panchayat,  
Sivaganga District,  
Sivaganga.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Tender Summary report of the 3rd respondent, rejecting the petitioner's tender in Bid No.619868 and quash the same and



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further directing the 3rd respondent to re-consider the petitioner's bid in Bid No.619868 as per law.

For Petitioner : Mr.KR.Bharathi Kannan

For Respondents : Mr.M.Lingadurai,  
Spl. Government Pleader for R1 & R2.  
Mr.M.Prakash,  
Addl. Government Pleader for R3.

### **ORDER**

Heard the learned counsel on either side.

2.The petitioner is aggrieved by the rejection of his tender at the technical scrutiny stage itself. The petitioner has questioned the rejection report on the basis of the grounds and averments set out in the affidavit filed in support of the writ petition. The learned counsel for the petitioner took me through the averments set out therein.

3.I am not persuaded by the said submissions. As rightly pointed out by the learned Special Government Pleader, the petitioner had failed to enclose the relevant documents. Even though in the tender summary report, it has been mentioned that as many as four documents were submitted as required in the



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tender notification, I can dispose of this writ petition based on the failure of the petitioner to submit the document set out in Serial No.6 (4.1.A.5). In the tender notification that was issued on 20.01.2023, the check list for submission of bid has been set out. Serial No.6 is as follows:-

| Sl. No. | Compliance criteria as per clause | Details                                                                                                                                                                                                                                                                                                                                                                                                           | Check  |
|---------|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 6       | 4.1.A.5                           | Whether Proof of the application for having working capital sufficient to finance at least 15% of value put to tender enclosed?<br><br>[Working capital will be calculated by adding the amount available in the bank account of the applicant on the date of submission of application and the unutilized amount of overdraft / credit facility extended to the applicant by the Nationalized / Scheduled banks] | YES/No |

4.From a reading of the aforesaid check list, one can easily come to the conclusion that proof to be filed by the petitioner must be in the form of a bank statement issued after the date of tender notification. The petitioner has enclosed the bank certificate that was issued on 04.06.2022. This obviously cannot be said to be proper compliance of tender requirements. The authorities



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rightly rejected the petitioner's bid at the technical scrutiny stage itself. No interference is called for and the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

**13.02.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
ias

To:

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**G.R.SWAMINATHAN, J.**

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