



W.P(MD)No.4004 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4004 of 2023

and

W.M.P.(MD)Nos.3874 & 3875 of 2023

PWD Contractors Sangam
(Regd No.SRG/KK/87/2021)
Kanyakumari District,
Represented by its
President Mr.David Raj,
S/o.Nesamani

... Petitioner

Vs.

The Executive Engineer,
WRD, Kodaiyar Basin Division,
Nagercoil,
Kanyakumari District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to tender in Tender Notice to VuVa/VaP/M.56/7/M/2023, dated 14.02.2023 on the file of the respondent and quash the same and consequently, direct the respondent to call for a fresh tender complying with Tamil Nadu Tender Transparency Act and Rules including Rule 6(3)(b).



W.P(MD)No.4004 of 2023

For Petitioner : Mr.Puhazh Gandhi

For Respondent : Mr.B.Saravanan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The grievance of the petitioner is that the respondents have not uploaded the tender document in the web portal. If access is provided, necessity of approaching the respondents for getting the tender schedule can be obviated. I find the said submission of the petitioner's counsel to be acceptable.

3. The learned Additional Government Pleader on instructions states that in view of the tender value, there is no requirement to upload the document in the web portal. The approach of the respondents is not correct. We are moving towards digitalization and e-governance. Therefore, the uploading document should not be depend on tender value. Irrespective of the value of tender, the tender inviting authority can very well upload all the documents so that allegations that the tender schedules are not being issued can be completely avoided. That would be in the interest of administration. When I indicated that tender schedule document will have to be uploaded immediately, the learned Additional Government Pleader submitted that there are technical difficulties



W.P(MD)No.4004 of 2023

and that they would instantly withdraw the impugned tender notification itself.

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4. This submission is placed on record. The respondent is permitted to issue a fresh tender notification. But then, the new notification will have to be uploaded in the web portal. The members of the petitioner association will have to be given uninterrupted access to download the tender documents.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

27.02.2023

Index : Yes / No
Internet : Yes/ No
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To

The Executive Engineer,
WRD, Kodaiyar Basin Division,
Nagercoil,
Kanyakumari District.

G.R.SWAMINATHAN, J.



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W.P(MD)No.4004 of 2023

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