



WP (MD) No.20908 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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S.S.& Co,
represented by its Managing Director,
B.Subramanian,
28/5, Chithabaranathapuram 1st street,
Devakottai,
Sivagangai District.

... Petitioner

Vs

- 1.The Secretary to
Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Chennai - 600 009.
- 2.The Regional Officer,
Ministry of Road Transport & Highways (MoRT and H),
C-1-A, Rajaji Bhavan, Besant Nagar,
Guidiny, Chennai -25.
- 3.The Chief Engineer(NH),
No.76, HRS Campus,
Guindy, Chennai - 25.
- 4.The Superintending Engineer (NH),
No.1, East Avenue,
Rajarajeshwari Nagar,
Tirunelveli -7.
- 5.The Divisional Engineer(NH),
No.70/1, Tiruvandaram Road,
Palayamkottai, Tirunelveli -2.



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6.The State Bank of India,
Represented by Chief Manager,
Sivagangai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 3 to 8 to evaluate the petitioner's bid in the presence of the 2nd respondent and declare the result of the tender invited by the 4th respondent for the project namely improvements to riding quality of Tuiticorin - Tiruchendur - Kanyakumari Section of NH 32 on Engineering, Procurement & Construction (EPC) basis contract in the State of Tamil Nadu after affording sufficient opportunity to the petitioner for clarification if required by following the provisions of the Tamil Nadu Transparency in Tender Rules, 2000.

For petitioner	: Mr.H.Arumugam for Mr.A.Mohan
For Respondent Nos.1 to 5	: Mr.Veerakathiravan, Additional Advocate General Assisted by Ms.D.Farjana Ghousia, Special Government Pleader
For Respondent No.6	: Mr.P.Pethu Rajesh

ORDER

The petitioner is a Contractor, who is said to have submitted his tender document for the tender invited by the



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4th respondent for the project work, viz., improvements to riding quality of Tuiticorin - Tiruchendur - Kanyakumari Section of NH 32. The Tender process is conducted through online and this petitioner has submitted his technical bid and price bid through online on 18.07.2023. As per the tender notification, the technical bids ought to have been opened on 27.07.2023 at 3.00pm. However the same was not opened.

2. Therefore the petitioner with a grievance that the tenders have not been opened as scheduled, has filed this writ petition for a writ of mandamus directing respondents 3 to 5 to evaluate the petitioner's bid in the presence of the 2nd respondent and to declare the results after affording an opportunity of hearing to the petitioner for clarification, if any required as per the Tamil Nadu Transparency in Tender Rules, 2000.

3. The learned Counsel for the petitioner by referring to Rule 21 of the Tamil Nadu Transparency in Tender Rules, 2000 submits that the tenders shall be opened as specified



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in the notification and in this case as per the notification, the tender documents ought to have been opened on 27.07.2023, but till date the same has not been opened. He also relied on Rule 21(3) of the said Rules and submits that the tender documents need to be opened in the presence of the tenderers or their representatives. The tender inviting authority may extend the time for receiving the tenders, however after giving adequate notice to all the intending tenders as per Rule 18(5) of the Rules by following the condition stipulated therein.

4.The learned Additional Advocate General took notice at the time of admission itself and submits that the tender documents were not opened on 27.07.2023 as schedule, due to some administrative reasons and therefore, the notification was amended and the technical bids were opened on 03.08.2023. He further submits that a committee has been constituted to evaluate the technical bids and this committee is intending to evaluate the technical bids on or before 07.09.2023. He also submits that sufficient opportunity would be provided to the participants to offer



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their clarification, if any and thereafter financial bids will be opened on 15.09.2023.

5. Recording the above submission of the learned Additional Advocate General this writ petition is disposed of with a direction to the respondents to conduct the tender process in a transparent manner in accordance with the Tender Transparency Act and Rules and the guidelines if any issued and to ensure transparency. No costs.

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

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B.PUGALENDHI, J.

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