



WP (MD) No.20942 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.20942 of 2023

K.Raja Mohamed

... Petitioner

Vs

- 1.The Secretary to
Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Chennai - 600 009.
- 2.The Chief Engineer (NH),
No.76, HRS Campus,
Guindy, Chennai - 25.
- 3.The Superintending Engineer (NH),
Highways, Construction and Maintenance Circle,
Palayamkottai,
Tirunelveli -2.
- 4.The Divisional Engineer (NH),
Highways, Construction & Maintenance Circle,
Tenkasi.

... 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 and 4 to open the tender submitted by the petitioner dated 22.08.2023 (totally four bids) and evaluate the same in the presence of the petitioner and other bidders and award contract to



WP (MD) No.20942 of 2023

the lowest bidder and other bidders and award contract to the lowest bidder forthwith in the light of the provisions of the Tamil Nadu Tender Transparency Act, 2000 for the project namely Comprehensive Road Infrastructure Development Programme 2023-2024 which was floated by the 3rd respondent.

For petitioner : Mr.H.Arumugam,

for Mr.A.Mohan

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The petitioner is a Contractor and he has submitted his bid for the tender invited by the 3rd respondent for the project work, viz., Comprehensive Road Infrastructure Development Programme 2023-2024 .

2.The entire tender process is conducted through online. The petitioner is said to have submitted his e-tender with technical bids and price bid through online on 22.08.2023 and as per the tender notification, the technical bids ought to have been opened on 23.08.2023 at 3.00pm.



WP (MD) No.20942 of 2023

3.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 to evaluate the petitioner's bid 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.

4.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 in the notification and in this case as per the notification, the tender documents ought to have been opened on 23.08.2023, but till date the same has not been opened.

5.If there is any change in the opening of the tender bids, it must be duly intimated to the bidders, who have submitted their bids. As per Rule 21(3) of the above Rules, tenders need to be opened in the presence of the tenderers or their representatives. The tender inviting authority may



WP(MD)No.20942 of 2023

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.

6.The learned Additional Government Pleader submits that at the tender documents were not opened on 22.08.2023, due to some administrative reasons and it was postponed. The learned Additional Government Pleader further submits that committee has also been constituted to evaluate the tender. The committee is intending to evaluate the technical bids on or before 12.09.2023 and sufficient opportunity would be provided to the participants to offer their clarification and thereafter financial bids will be opened on or before 15.09.2023.

7.Recording the above submission, this writ petition is closed. No costs. The respondents are expected conduct fair and proper tender since it involves public money.

30.08.2023

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



WP (MD) No.20942 of 2023

To

WEB COPY

- 1.The Secretary to
Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Chennai - 600 009.
- 2.The Chief Engineer (NH),
No.76, HRS Campus,
Guindy, Chennai - 25.
- 3.The Superintending Engineer (NH),
Highways, Construction and Maintenance Circle,
Palayamkottai,
Tirunelveli -2.
- 4.The Divisional Engineer (NH),
Highways, Construction & Maintenance Circle,
Tenkasi.



WEB COPY



WP (MD) No.20942 of 2023

B.PUGALENDHI, J.

dsk

WP (MD) No.20942 of 2023

30.08.2023