



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25981 of 2023 AND

W.M.P.(MD)Nos.22349, 22352, 22932,23179 & 24106 of 2023

Karungappan & Co.,

Rep. by Karungappan(Partner),

No.79, Kannathasan Nagar,

Muthuramalinga Nagar,

Karaikudi – 630 001.

... Petitioner

Vs.

1. The Chancellor,

Tamil Nadu Agriculture University,

Coimbatore – 641 003.

2. The Office of the Executive Engineer & Estate Officer,

Tamil Nadu Agriculture University,

Coimbatore – 641 003.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order of the second respondent dated 20.10.2023 in relation to tender ID 2023-TNAU-361617-1 and seeking its quashing the same.

For Petitioner : Mr.E.Sampath Kumar,

Senior counsel,

for Mr.S.Bageerathan.

For Respondents: Mr.Sricharan Rangarajan,

Senior counsel,

for Mr.A.Thirumurthy.

* * *

ORDER

Heard both sides.



2. The petitioner submitted his tender in response to the notification issued by the second respondent.

3. The second respondent took the stand that the petitioner did not pass muster at the technical evaluation stage. Challenging the stand of the second respondent, the preset writ petition came to be filed.

4. Clause 5 of the e-tendering-Instructions to Bidder reads as follows:-

“ The Scanned copies of the following documents as per the check list are to be uploaded and digitally signed by the bidder at the time of submission of bids through the website in the required format. “

5. Further it should contain the following terms :

“i)Scanned copy of EMD acknowledgement to be produced.(EMD to be deposited in the EMD deposit account, estate office)

ii) Scanned copy of Letter of Consent

iii) Copy of registration as a contractor under Class-II & above in TNAU/PWD/CPWD.



iv) Scanned copy current Live Certificate

received from competent authority.”

6. The format of letter of consent has also been enclosed along with the tender notification. The specific stand of the respondents is that the scanned copy of the letter of consent was not uploaded. In fact in the rejoinder affidavit filed by the petitioner itself, it has been conceded. The petitioner would claim that such a document was sought to be given in person and that the respondents refused to receive the same.

7. Admittedly, the tender notification was to take place only through online. The question of handing over the tender documents in person does not arise at all. The whole object of e-tender is to avoid human interface. On the own showing of the petitioner, the tender condition has not been complied with. In fact, the respondents would contend that the rejection was on several grounds. I need not go into the other grounds of objection. I am only taking note of the fact that the scanned copy of the letter of consent was not uploaded. Since the petitioner's counsel has admitted that the letter of consent was not uploaded, I have to necessarily hold that the rejection



of the petitioner at the technical evaluation stage was justified.

8. At the same time, I have to take note of the yet another contention raised by the learned counsel appearing for the petitioner. It is alleged that the successful tenderer had been given an indulgent treatment. The respondents categorically stated that the successful tenderer fulfils all the tender terms and conditions. If this statement made before this Court turns out to be false, it is always open to the petitioner to file contempt petition before me. The petitioner is at liberty to raise appropriate queries for eliciting information regarding the tender process and the second respondent is directed to furnish the information sought for by the petitioner.

9. With this direction to the second respondent, this writ petition stands dismissed. No costs.

04.12.2023

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



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To:

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2. The Office of the Executive Engineer & Estate Officer,
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G.R.SWAMINATHAN,J.

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