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W.P.(MD)NO.26124 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26124 of 2023 AND
W.M.P.(MD)Nos.22483 & 22484 of 2023

M/s.Tamilselvam and Company,
Rep. by its Managing Director,
R.Tamilselvam,
S/o.Ramar Thevar,
No.9/126-A-12, Bagawatsingh Road,
Madurai – Rameswaram Road,
Paramakudi,
Ramanathapuram District.

... Petitioner

Vs.

The Superintending Engineer,
(Highways),
Construction and Maintenance Wing,
Madurai Circle,
Madurai – 625 002.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in the impugned tender summary reports dated 28.10.2023 issued by the respondent insofar as the petitioner firm is concerned and quash the same and consequently direct the respondent to consider the petitioner's tender document.



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W.P.(MD)NO.26124 OF 2023

For Petitioner : Mr.P.Arun Jayatram

For Respondent : Mr.Veerakathiravan,
Additional Advocate General,
assisted by,
Mr.S.Ra.Ramachandran,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondent.

2. The respondent issued tender notification on 05.09.2023 inviting applications for the development of State Highway 34. The petitioner applied in response thereto. He uploaded all the tender documents. Tender applications were to be opened on 19.10.2023. The petitioner's counsel states that on the said date, the tenders were not opened. They were opened only on 28.10.2023.

3. I am of the view that on account of such postponements, allegations come to be made. The learned



Additional Advocate General strongly states that online intimation about opening of tenders was given to all the participants including the petitioner herein. The only reason for disqualifying the petitioner was that EMD was not furnished. The rejection order was passed on 28.10.2023. This writ petition came to be filed on 30.10.2023 itself. When the matter came up for hearing today by way of Lunch Motion, even though the learned Additional Advocate General strongly opposed the writ prayer, I am satisfied that without going into the merits of the allegations, relief can be granted to the petitioner.

4. It is stated that the evaluation of the technical bids is presently going on. It is for the petitioner to obtain fresh DD for EMD and produce the same before the respondent. If such fresh DD is submitted before the respondent before 3.00 p.m tomorrow, the petitioner's technical bid also will be evaluated along with other three bids. It is for the petitioner to approach the Union Bank of India for cancelling the earlier FDR. I make it clear that I have not gone into the merits of the matter. The only relief that is now given is directing the respondent to



consider the petitioner's technical bid, if he complies with the direction issued in this order. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

30.10.2023

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

Note : Issue order copy on 30.10.2023.

To:

The Superintending Engineer,
(Highways),
Construction and Maintenance Wing,
Madurai Circle,
Madurai – 625 002.



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G.R.SWAMINATHAN,J.

PMU

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