



WEB COPY

W.P.No.21 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.21 of 2024
and W.M.P.No. 12 of 2024

M/S.KCP Infra Limited
No 4 Ground Floor Alayam Space
Anandha Road,
Alwarpet, Chennai 600 018
Rep By its Director
K. Muthukumarasamy

.. Petitioner

Vs

1.The Superintending Engineer
Circle II Construction Wing
Chennai Metropolitan Development Authority (CMDA),
1st Floor, CMDA Office Complex,
A Block E Road, Koyambedu,
Chennai 60.

2.The Executive Engineer
Division II Construction Wing
Chennai Metropolitan Development Authority (CMDA),
Koyambedu, Chennai 600 107.

3.The Executive Engineer
Division II Construction Wing
Chennai Metropolitan Development Authority (CMDA),
Koyambedu, Chennai 600 107.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to issue site visit certificate to the petitioner as per the tender condition No. 2C of the Eligibility criteria for qualification based on the representation made by the petitioner dated 25.12.2023 in order to participate in the tenders viz. 1. short e-Tender Notice No. 7 / 2023-24 dated 13.12.2023 (2 work) 2. short e-Tender Notice



W.P.No.21 of 2024

No. 7 / 2023-24 dated 13.12.2023 (2 work) 3. short e-Tender Notice No. 7 / 2023-24 dated 18.12.2023 (1 work) on the file of the 1st Respondent till such time not to proceed with the above tenders.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by
Mr.C.Manoharan, Standing Counsel

ORDER

Read this order in continuation of and in conjunction with order dated 02.01.2024 that reads as follows:

'Mr.C.Manoharan, learned Standing Counsel accepts notice for the respondents and Mr.P.Kumaresan, learned Additional Advocate General appearing on his behalf would point out that in response to the request of the petitioner dated 25.12.2023 asking for a site visit and issuance of certificate, an email has been sent to the petitioner on 27.12.2023 asking them to contact the Executive Engineer for making site visit and to have the certificate issued.

2.Despite this, the petitioner has filed this writ petition today, and sought a lunch motion merely to stall the opening of the tenders at 3.00 p.m, he states.

3.List on 05.01.2024 at the end of admission list.'

2. Learned counsel for the petitioner draws attention to his affidavit where he states that the petitioner had visited the offices of the respondents several times but was unable to make any progress in the matter.

3. There is no necessity for the Court to go into this aspect of the matter now seeing as there is nothing on record to establish



W.P.No.21 of 2024

that the petitioner had, in fact, responded to the email of respondents dated 25.12.2023. There had been no response or material to indicate that the petitioner had approached the authorities after 25.12.2023 seeking a site visit and issuance of certificate. Hence, and in the absence of the same, this Court is not inclined to intervene.

4. In addition, Mr. Kumaresan, learned Additional Advocate General would also state that the bid of the petitioner was itself uploaded only on 2.07 p.m. minutes before the matter was brought up in lunch motion. Thus, he also questions the bonafides of the petitioner in filing present the writ petition.

5. Be that as it may, all bids have been opened on the very next date i.e., 03.01.2024, and learned Additional Advocate General states that the results of the opening of technical bids would be uploaded shortly. Matters may well take their own course now, in accordance with law.

6. This writ petition stand dismissed in terms of this order. No costs. Connected miscellaneous petition is closed.

05.01.2024

Index:Yes/No
Neutral Citation:Yes
ssm



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To

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DR. ANITA SUMANTH,J.

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