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W.P.No.2148 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.2148 of 2024
and W.M.P.No.2306 & 2307 of 2024

Sri Siva Sakthi Associates,
Represented by its Managing Partner S.Mathusoothanan
S/o.Subramaniam
No.165/50-B, Kamaraj Nagar,
Uthangarai Post & Taluk,
Krishnagiri District.

... Petitioner

/vs/

1. The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Hindu Religious and Charitable Endowments Department (HR & CE),
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Tender Award Committee, (TAC),
Secretariat, Fort St. George,
Chennai – 600 009.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department (HR & CE),
Dharmapuri District.



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4. The Executive Engineer,
Hindu Religious and Charitable Endowments Department (HR & CE),
Office of the Joint Commissioner, Salem,
Salem District.

5. The Executive Officer,
Arulmigu Sivasubramaniya Swamy Temple,
Kumarasamypettai,
Dharmapuri Taluk & District.

6. M/s.Sindhujaa Constructions,
Represented by its Managing Partner,
Sengalpatti, Salem District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records of the fifth respondent pertaining to his Tender Ref. No.01/2023 dated 16.11.2023 in Bid Number 922928 dated 22.12.2023 in S.No.5 and said Tender confirmed in favour of the sixth respondent in Tender Ref.No.01/2023 dated 16.11.2023 in Bid Number 923235 dated 22.12.2023 in S.No.3 to quash the same and consequently direct the fifth respondent to issue a fresh Tender in accordance with law.

For Petitioner ... Mr.A.M.Esakkiappan

For Respondents ... Mr.S.Ravichandran
Additional Govt. Pleader for R1 to R5



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ORDER

This writ petition has been filed to quash the tender notice issued by the fifth respondent in Tender Ref. No.01/2023 dated 16.11.2023 in Bid Number 922928 dated 22.12.2023 in S.No.5 and the said Tender confirmed in favour of the sixth respondent in Tender Ref.No.01/2023 dated 16.11.2023 in Bid Number 923235 dated 22.12.2023 in S.No.3 and consequently direct the fifth respondent to issue a fresh Tender in accordance with law.

2. Mr.A.M.Esakkiappan, the learned counsel for the petitioner submitted that in response to the tender notification dated 16.11.2023, the petitioner had submitted his offer and according to him he has given the lowest quotation; but the tender has been finalized in favour of the sixth respondent without any valid reasons.

3. On perusal of the rejection order dated 22.12.2023, it is stated that the petitioner has not uploaded the Electrical License issued by the Electrical License Board of Government of Tamil Nadu nor the letter of engagement of qualified Electrical Engineer has been enclosed.



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4. Mr.S.Ravichandran, the Additional Government Pleader, submitted that the petitioner has not submitted his tender in accordance with the above stipulations.

5. On perusal of the tender instructions, it is seen from stipulation No.15 that the Contractor should furnish electrical license issued by the Electrical Licensing Board, Government of Tamil Nadu and those contractors who do not have electrical license should furnish an undertaking from the Electrical Engineer who is having Electrical License issued by the Electrical Licensing Board, Government of Tamil Nadu and that concerned electrical work will be executed under his supervision.

6. Since the essential stipulation found in the tender notification has not been complied by the petitioner, the respondents have rejected his tender, I find no merit in this writ petition and it is liable to be dismissed.



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7. Accordingly, this Writ Petition is dismissed. No costs.

Connected miscellaneous petitions are closed.

05.02.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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To:

1. The Principal Secretary to Government,
Hindu Religious and Charitable Endowments Department (HR & CE),
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Tender Award Committee, (TAC),
Secretariat, Fort St. George,
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3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department (HR & CE),
Dharmapuri District.
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R.N.MANJULA ,J.

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