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W.P.No.5178 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.5178 of 2024

and

W.M.P.Nos.5688 and 5692 of 2024

1.P.Sankar

2.P.Muthukumar

3.S.Arunkumar

...Petitioners

Vs

1.The Secretary to the Government
Transport Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.The Managing Director,
State Express Transport Corporation,
Pallavan Salali,
Chennai - 600 002.

3.C.Selvam,
S/o.M.Chinnathambi,
Proprietor of Sri Samundeeswari Bhavan,
Kannandahalli X Road, Village - Post,
Thiruvannamalai - Bangalore Bypass,
Krishnagiri District,
Tamil Nadu - 635 203.



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4.A.Pandurangan,
S/o.Arjunan,
Proprietor of Hotel Sri Balaji Ariyas,
Ayyanar Temple, UEPL Building, NH Road,
Thirunavalur,
Gopalakrishnapuram,
Gedilam Sengurichi,
Kallakurichi,
Tamil Nadu - 606 115.

5.M.Elango,
S/o.Mohanram Pari,
Proprietor of Hotel New Aristo,
Chennai National High Ways,
V.Salai,
Vikravandi,
Chitthani,
Villupuram District - 605 652.

6.M.Elango,
S/o.Mohanram Pari,
Proprietor of Hotel Shree Annapoorna,
Chennai Main Road,
Adaikkalapuram,
Vikravandi,
Villupuram District - 605 652.

7.V.Damodaran,
S/o.Venkatappan,
Proprietor of Hotel Sree Ananda Bhavan,
290-4, BIB, Polluppalli,
Bilanakuppam,
Krishnagiri District - 635 115.

8.A.V.Dhamodaran,



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S/O.Mr.Venkarappa,
Proprietor of Hotel Shree Saravana Bavan,
2/103-D, Bandarapalli,
Krishnagigi District - 635 115.

9.Mani Priya,
W/o.R. Mohan,
Proprietor of Hotel Surya,
4-224, Pollupally,
Bilanakuppam,
Krishnagiri District - 635 115.

10.Kalaiselvi,
W/o.Subramaniam,
Hotel Archayaa Bakery ad Hotel,
Andipatti Pirivur,
(Near Madhucon Toll Gate),
Aravakuruchi Taluk,
Karur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Tender No.00999/G6/SETC/ 2023 issued by the 2nd respondent dated 06.01.2024 and quash the same as invalid and consequentially direct the respondents to take necessary action by conducting enquiry based on the representation of the petitioners dated 22.02.2024 and restart the tender process within a time frame fixed by this Court.

(Respondents 3 and 4 impleaded as per the orders of this Court dated 17.04.2024 in W.M.P.No.7115 of 2024 in W.P.No.5178 of 2024)

(Respondents 5 and 6 impleaded as per the orders of this Court dated 17.04.2024 in W.M.P.No.7452 of 2024 in W.P.No.5178 of 2024)



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(Respondents 5 and 6 impleaded as per the orders of this Court dated 17.04.2024 in W.M.P.No.7463 of 2024 in W.P.No.5178 of 2024)

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(Respondents 7 to 9 impleaded as per the orders of this Court dated 17.04.2024 in W.M.P.No.7463 of 2024 in W.P.No.5178 of 2024)

(10th respondent impleaded as per the orders of this Court dated 17.04.2024 in W.M.P.No.10411 of 2024 in W.P.No.5178 of 2024)

For Petitioner : Mr.Krishna Ravindran
for Mr.P.Kavin Prabhu

For Respondents : Mr.K.Surendran.
Additional Government Pleader
for R1

Mr.L.S.M.Hasan Fizal for R2

Mr.P.Chandrasekaran for R3 to R9

Mr.C.Elamurugan for R10

ORDER

The Writ Petition has been instituted questioning the validity of the Tender Notification issued for parking of SETC and TNSTC buses in motels on the National as well as State Highways. Online e-tender method has been adopted inviting applications from the eligible persons. Admittedly, numerous tender applications were received by the respondents and those applications are scrutinized.



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2.The respective learned counsels appearing on behalf of the writ petitioners contended that several irregularities are being committed while dealing with the tender applications and mainly contended that the ineligible applications have been considered, in violation of the terms and conditions stipulated in the tender notifications. Such irregularities resulted in institution of Writ proceedings.

3.Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the 2nd respondent/Corporation would submit that few persons have submitted two applications for both sides of the highways and they are eligible to participate in one sector as per the terms of the notification. The counter filed by the Corporation reveals that the persons who have submitted two applications have withdrawn one application. Therefore, there is no impediment for considering those applications in accordance with the terms and conditions stipulated in the tender notification.

4.The counter affidavit filed by the Senior Deputy Manager (HRD), SETC reads as under:



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"(9).It is submitted that the allegations in para 7 are vehemently denied as baseless and untenable as admitted by the petitioners. The 2nd respondent has flouted the tender and various Motel Owners have participated in the tender process. The petitioners contention that since some of the bidders have quoted the same price, it should be treated as syndicate and rigging and that the same violates of terms and conditions of Tender and hence, the tender has to be rejected. There has been no prohibition for the petitioners and their friends has to quote higher price for the same sector, to enable the Tender Scrutinising Committee to select the highest bidders. The petitioners have quoted almost the same or lesser price for their sector. Even though the participating Bidders have quoted the same rate, it is for Scrutinizing Committee to process the bids as per the terms and condition of Tender and finalize the same.

(10)It is submitted that the allegations in paras 8 and 9 stoutly are denied as vexatious and untrue. The fact of a Motel



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Owner participating in more than one Sector will be known, only after the bids are opened. After opening the bid, the Motel Owners who have participated in the bid for both Sectors have given letters in writing to the 2nd respondent withdrawing one of their bids. As a result, their bid for one sector along is being processed by the Tender Scrutinising Committee."

5.In view of the counter affidavit filed by the respondents, the following directions are issued:

(1)The respondents shall proceed with the tender by scrupulously following the procedures as contemplated under the provisions of the Tender Transparency Act and the Rules framed therein.

(2)The respondents are directed to scrutinize the eligible tender applications strictly with reference to the terms and conditions published in the tender notification.

(3)The respondents are directed to complete the process of tender in a transparent manner, without providing any room for doubt or ambiguity.



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(4) In the event of any illegality in dealing with the tender applications or the tender process, the Officials who have involved in dealing with the tender process are to be held personally accountable and liable and the selection of persons must be in accordance with law and by following due process.

(5) The respondents are directed to complete the entire tender process within a period of three weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

17.04.2024

Index : Yes/No
Speaking order : Yes/No
Neutral citation : Yes/No
mps

To

1. The Secretary to the Government
Transport Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.



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2.The Managing Director,
State Express Transport Corporation,
Pallavan Salali,
Chennai - 600 002.



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S.M.SUBRAMANIAM, J,

mps

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