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W.P. Nos.10682 & 10686 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. Nos.10682 & 10686 of 2024

KCP Infra Limited,
represented by its Director
K.Muthukumarasamy

.. Petitioner in both cases

vs.

The Commissioner,
Coimbatore Corporation,
Big Bazaar Street,
Town Hall, Coimbatore 641 001.

.. Respondent in both cases

Prayer in W.P. No.10682 of 2024: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent Corporation to act in accordance with Section 10 of the Tender Transparency Act, 1998 and evaluate and submit their acceptance on the bids submitted under the Notice Inviting Tender No.e69/2023 for constructing an RCC retaining Wall for a length of 769 meters in Na.Ka.No./2023/MD4 with 2 numbers of Culverts from Nethaji Nagar to Kuniyamuthur road first part via West side Sengulam bund in Ward Number 91-South Zone which was called as Package-I and another for the purposes of constructing an RCC retaining wall for a length of 1000 meters in Na.Ka.No./2023/MD4 from Nethaji Nagar to Kuniyamuthur



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road second part via Westside Sengulam bund in Ward Number 91-South Zone, which was called as Package-II, within a reasonable time frame as fixed by this Court.

Prayer in W.P. No.10686 of 2024: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent Corporation to act in accordance with Section 10 of the Tender Transparency Act, 1998 and evaluate and submit their acceptance on the bids submitted under the Notice Inviting Tender No.e9/2024 for construction of Urban Primary Health Centre Buildings at Vadavalli in Ward Number 36 of West Zone in Na.Ka.No.4908/2023/MD2, Telungupalayam in Ward Number 76 in Na.Ka.No.4909/2023/MD2, Neelikonampalayam in Ward Number 54, East Zone in Na.Ka.No.4910/2023/MD2, Nanjappa Road in Wards Number 83, Central Zone Na.Ka.No.4911/2023/MD2, which was called as Packages-I-IV, within a reasonable time frame as fixed by this Court.

For Petitioner in both cases : Mr.C.P.Hemkumar for
Mr.K.Jayaraman

For Respondent in both cases: Mr.D.Ferdinand

COMMON ORDER

By consent of both the parties, these writ petitions have been taken up for final disposal at the admission stage itself.

2.Mr.D.Ferdinand, learned Standing Counsel accepts notice on



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behalf of the respondent.

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3.These writ petitions have been filed for a mandamus seeking for a direction to the respondent Corporation to act in accordance with Section 10 of the Tender Transparency Act, 1998 and evaluate and submit their acceptance on the bids submitted under the Notice Inviting Tender Nos.e69/2023 and e9/2024.

4.The petitioner claims that they had participated in the aforementioned tenders, called for by the respondent Corporation. They claim that they have paid the EMD and they have satisfied the requirements of the tenders. According to them, till date, no decision has been taken by the respondent with regard to the tender despite the petitioner having paid the EMD amounts in the year 2023 itself. The petitioner has given representations on 11.01.2024 and 01.03.2024 to the respondent requesting them to take a final decision in respect of the aforementioned two tenders. According to the petitioner, despite the same, the respondent is yet to take a final decision. Under those circumstances, these writ petitions are filed.

5.No prejudice would be caused to the respondent if a direction is



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issued to the respondent to consider the petitioner's representations as stated supra, on merits and in accordance with law, with a time frame to be fixed by this Court.

6.For the foregoing reasons, this Court directs the respondent Corporation to pass final orders on the petitioner's representations dated 11.01.2024 and 01.03.2024, wherein the petitioner had requested the respondent to take a final decision with regard to the tenders submitted by them pertaining to Tender Nos.e69/2023 and e9/2024, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, these writ petitions are disposed of.
No costs.

18.04.2024

Index: Yes/No
vga

To



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ABDUL QUDDHOSE, J.

vga

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