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W.P.No.15406 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.15406 of 2024 and
WMP.No.16753 of 2024

M/s.Krystal Integrated Services Limited,
Rep. by its Senior Manager-Operations
Security, Hemant Shinde,
No.24/26, 2nd Avenue, 3rd Cross St,
Defence Officer's Colony, Ekkatuthangal,
Chennai, Tamil Nadu 600 032

.... Petitioner

Vs

1.The Tamil Nadu Medical Services Corporation Ltd.,
Rep. by its Managing Director,
No.417, Pantheon Road, 2nd Floor,
Egmore, Chennai 600 008.

2.Quality Property Management Services Pvt. Ltd.,
3rd Floor, Sudharshan Building,
No.86, Chamiers Rd, Nandanam,
Chennai, Tamil Nadu 600 018

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st Respondent to consider the Petitioners' representation dated 03.05.2024 after affording a personal hearing to the petitioner and further restrain the 1st Respondent from awarding the tender called vide Contract No.E-



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1035/OUTSOURCING-DME/TNMSC/ENGG/2023) on 26.07.2023 till such time the Petitioner's representation is considered and decided.

For Petitioner : Mr.P.Wilson, Senior Counsel
for Mr.Richardson Wilson

For Respondents : Mr.V.M.Shivakumar (for R1)
for M/s.Shivakumar & Suresh

ORDER

Mr.V.M.Shivakumar, learned counsel accepts notice for R1 and is fully equipped with instructions to enable a final disposal of this matter at this juncture. Hence, by consent final orders are passed in this writ petition. No notice is issued to R2 now in view of the present order.

2.The prayer of the petitioner is for a mandamus directing R1 being the Tamil Nadu Medical Services Corporation Limited to consider its representation dated 03.05.2024 and also hear the petitioner prior to disposal thereto. There is a further plea to restrain R1 from awarding the tender, till such time its representation is considered.

3.The petitioner has submitted its bid in response to a tender for outsourcing of housekeeping and security services in 123 Government Hospitals, Colleges and Schools and Colleges of Nursing. The tender comes under the control of the Directorate of Medical Education and the bids were invited under Notification dated 26.07.2023.



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4.13 bidders are stated to have participated, of which the petitioner is one. 9 bidders have been found to be technically qualified and while uploading the details of the technically qualified bidders, their financial bids have also been made available to the public in the portal of the National Informatics Centre, which is hosting and managing the e-tender.

5.The uploaded list reflects the status of the petitioner as L2 and the petitioner is aggrieved by its non-selection as L1 and points out to certain alleged deficiencies in the price bid of L1, arrayed as R2.

6.The apprehension expressed by learned counsel for R1 is that succumbing to this prayer would set a precedent where all bidders would seek to intervene in the tender process, ultimately thwarting the timely completion of the tender process. This is a valid apprehension.

7.Instead, what is suggested by learned counsel for R1, is that, as the tender process is on-going, the evaluation of the bids would be methodical, taking note of all deficiencies including those pointed out by the petitioner in its representation dated 03.05.2024.

8.The representation has, admittedly, been received by R1 and is part of the typed set accompanying the writ affidavit placed at page Nos.160 to 163. This would suffice to assuage the apprehensions of the petitioner and the assurance of the learned counsel made on behalf of R1,



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is recorded.

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9. Needless to say, if the final award of tender does not find favour with the petitioner, appeal remedy under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998 is always available to the petitioner.

10. With this, this writ petition is closed. Connected miscellaneous petition is also closed. No costs.

12.06.2024

vs

Index: Yes/No

Speaking order: Yes

Neutral Citation: Yes

To

The Managing Director,
Tamil Nadu Medical Services Corporation Ltd.,
No.417, Pantheon Road, 2nd Floor,
Egmore, Chennai 600 008.



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DR.ANITA SUMANTH,J.

VS

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