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W.A.Nos.2543, 2544, 2545 & 2546 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.12.2024**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

AND

THE HONOURABLE MR.**JUSTICE C.KUMARAPPAN**

Writ Appeal Nos.2543, 2544, 2545 & 2546 of 2024
and connected Miscellaneous Petitions

1. The General Manager,
Southern Railway,
Park Town, Chennai 3.

2. The Chief Engineer (Construction),
Southern Railway,
EVR Periyar Salari, Egmore,
Chennai 8.

... Appellants in all the Appeals

Vs.

A.Venku Reddy

... Respondent in all the Appeals

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent, to allow the Writ Appeal and set aside the order dated 27.02.2024 in (i) WP No.4946 of 2024 (ii) WP No.4948 of 2024 (iii) WP No.4947 of 2024 (iii) WP No.4945 of 2024 respectively (Common order in WP Nos.4945, 4946, 4947



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and 4948 of 2024).

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For Appellants : Mr.K.Srinivasamurthy,
(in all the Appeals) Senior Panel Counsel

Respondent : No appearance
(in all the Appeals)

COMMON JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The appellants, in all the appeals, are aggrieved by the direction of the learned Single Judge enabling the respondent, in all the appeals, to file the required tender documents physically. The tender that is called for specifically requires the tenderers to file documents only on-line and physical filing of any document is specifically prohibited and the tender document itself states that any manual offer received shall be ignored.

2. The respondent admittedly failed to furnish the required details with reference to its annual turnover in the form prescribed in the tender document as Annexure VIB. Therefore, one of his tenders was rejected



immediately he approached this Court with the prayer to not to reject his tender. The Writ Court had without going into the merits permitted the respondent to file the documents manually and required the appellants to consider the tender.

3. Mr.K.Srinivasamurthy, learned Senior Panel Counsel appearing for the Central Government, appearing for the appellants in all the appeals, would submit that unless the tender of the respondent is considered and rejected or accepted, the other tenders cannot be finalized. The financial bid cannot be opened. The tender process does not allow manual documents to be accepted. Therefore, according to the learned counsel, the appellants are put in a predicament and they are disabled from finalizing the tender for the projects and the entire project is getting delayed.

4. Despite service, the respondent, in all the appeals, is not appearing either in person or through counsel duly instructed.

5. Perusal of the tender notification itself shows that no manual documents can be filed or manual offer cannot be made. If the applicants fail to furnish the required documents on-line in the requisite form, the



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tender will be automatically rejected. There is no question of allowing the respondent to file copies manually. The Writ Court had however without going into the merits directed submission of documents manually. When the tender process does not permit filing of documents manually, we do not think this Court can authorise such filing. It will be against the tender conditions itself. We are therefore constrained to interfere with the order of the Writ Court as it will result in grave prejudice to the appellants and prevent the appellants from going ahead with the tender process.

6. Hence the Writ Appeals are **allowed**, the common order of the Writ Court is set aside. The appellants can proceed after rejecting the bids of the respondent. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (C.KUMARAPPAN, J.)
06.12.2024

jv
Index: No
Speaking order
Neutral Citation: No



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