



WEB COPY



W.P.No.16064 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16064 of 2024
and W.M.P.No.17575 of 2024

M/s.Sumeet Facilities Limited,
Formerly known as Sumeet Facilities Pvt. Ltd.,
Represented by its Chairman,
Prabhakar Salunke,
“Summit House”,
Plot No.64/21, D-11 Block, M.I.D.C.,
Chinchwad, Pune – 411 019. Petitioner

Vs

1. The General Manager (Equipment),
Directorate of Medical Education,
Tamil Nadu Medical Services Corporation Limited,
No.417, Pantheon Road, 2nd Floor,
Egmore, Chennai – 600 008.

2. Quality Property Management Services Private Ltd.,
No.86, Sudharshan Building,
3rd Floor, Chamiers Road,
Nandhanam, Chennai – 600 018. Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 02.05.2024 after affording a personal hearing to the petitioner company and further restrain the first respondent from awarding the tender contract No.E1035/OUTSOURCING-



W.P.No.16064 of 2024

DME/TNMSC/ENGG/2023, dated 26.07.2023 till such time the petitioner's representation is considered.

For Petitioner : Mr.Meiyappan Mohan
For R1 : Mr.V.M.Shivakumar
for M/s.Shivakumar and Suresh

ORDER

This Writ Petition has been filed for a direction directing the first respondent to consider the representation of the petitioner dated 02.05.2024 after affording a personal hearing to the petitioner and restrain the first respondent from awarding the Contract dated 26.07.2023, till such time its representation is considered.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had 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. 13 bidders stated to have participated, of which the petitioner is one. 9 bidders have been found to be technically qualified and while uploading



W.P.No.16064 of 2024

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.

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

5. The apprehension expressed by the learned counsel for the first respondent is that succumbing to petitioner's 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.

6. Instead, what is suggested by the learned counsel for the first respondent 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 02.05.2024.

7. The representation has, admittedly been received by the



W.P.No.16064 of 2024

first respondent and is part of the typed set accompanying the writ affidavit placed before this Court. This would suffice to assuage the apprehensions of the petitioner and the assurance of the learned counsel made on behalf of the first respondent is recorded.

8. 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.

9. With the above observations, this writ petition stands closed. Consequently, connected miscellaneous petition is closed. No costs.

19.06.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

To



W.P.No.16064 of 2024

The General Manager (Equipment),
Directorate of Medical Education,
Tamil Nadu Medical Services Corporation Limited,
No.417, Pantheon Road, 2nd Floor,
Egmore, Chennai – 600 008.



WEB COPY



W.P.No.16064 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.16064 of 2024

19.06.2024