



WP No.20865 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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and WMP No.20238 of 2023

B.Nallababu

.. Petitioner

-VS-

1. The State of Tamil Nadu rep by its
Secretary to Government,
Tamil Nadu Municipal Administration
and Water Supply Department,
Secretariat, Chennai – 9.

2. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chennai – 2.

3. The Purchase Manager,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road, Chennai-2.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorarified Mandamus to call for the records
relating to the Tender No.MAT/OT/106/2023 for "DEPLOYMENT OF



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SPECIALLY FABRICATED JETTING CUM GRABBING MACHINE (OF CAPACITIES 2KL AND 6KL) FOR MAINTENANCE OF SEWER SYSTEM FOR A PERIOD OF 7 YEARS IN CHENNAI METROPOLITAN AREA", quash the same insofar as the Tender Clauses 3.3.(x), 26, including 26.1 to 26.1.2, Clause 27 and Clause 28 of the impugned Tender notification published by the third respondent on 02.06.2023 and consequently direct the first and second respondents to modify the tender conditions in such a manner which will be beneficial to the successful bidders directly instead of other Nodel Agency like DICCI or GMC.

For the Petitioner : Mr.M.Baskaran
for Mr.C.Sivanesan

For the Respondents : Mr.T.K.Saravanan
Government Advocate for R-1
: Mr.Krishna Ravindran
Standing Counsel for RR 2 and 3

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Baskaran learned counsel for the petitioner, Mr.T.K.Saravanan, learned Government Advocate for respondent No.1 and Mr.Krishna Ravindran, learned Standing Counsel,



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for respondent Nos.2 and 3.

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2. The petitioner assails certain clauses in the tender notification issued by the respondents. Under the said tender notification, bids are invited for Deployment of Specially Fabricated Jetting cum Grabbing Machine (of capacities 2KL and 6KL) for maintenance of sewer system for a period of 7 years in Chennai Metropolitan area.

3. The learned counsel for the petitioner submits that the petitioner is also a scavenger. He was interested in participating in the tender process. However, because of the stringent clauses, he could not qualify to participate. The clauses are such that an illiterate scavenger would be disqualified from applying for the tender. The learned counsel submits that the tender notification mentioned that there would be a National Competitive Bidding whereas on the other hand, the same is restricted to Local Competitive Bidding. The learned counsel submits that the Dalit Indian Chamber of Commerce and Industry (DICC) is now trying to control the entire process of scavenging. DICC has no role to play, but only those who are showing their allegiance to DICC are considered. The learned



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counsel further refers to the conditions in Clause 3.3 to submit that the same are not feasible for a scavenger.

4. The learned counsel for the respondents submits that pursuant to the tender notification, 291 participants filled in the tender process, 261 were qualified and 213 out of them have been issued with the contract.

5. The tender is issued for Deployment of Specially Fabricated Jetting cum Grabbing Machine (of capacities 2KL and 6KL) for maintenance of sewer system for a period of 7 years in Chennai Metropolitan area. The said tender was to facilitate eradication of manual scavenging. The fact that 261 bidders qualified is a testimony that the conditions to be complied with were not onerous nor stringent. DICCI is only a facilitating body and a nodal agency. There are some responsibilities fastened on DICCI. Apart from that, they have no role to play in the tender process. Delay in the tender process would not be in the interest of the steps being undertaken to eradicate manual scavenging. In fact, the Chennai Metropolitan Water Supply and Sewerage Board was asked to expedite the tender



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process in another Public Interest Litigation that was filed.

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In light of the above, no case for interference is made out. The writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

sra

To

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State of Tamil Nadu,
Tamil Nadu Municipal Administration
and Water Supply Department,
Secretariat, Chennai – 9.
2. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
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No.1, Pumping Station Road, Chennai-2.

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THE HON'BLE CHIEF JUSTICE
AND
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(sra)

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