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W.P.No.22095 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.22095 of 2024

and

WMP.Nos.24096 & 24099 of 2024

M/S. Blacktop Infrastructure Pvt. Ltd.,
Rep by its Authorised Signatory Mr.Pankaj Sukhwani,
No.301, Shree Siddhivinayaka Mahima,
Plot No.1, Sector 19, New Panvel East, Navi Mumbai – 410 206
Registered address:
No.P6/23/11, Sector 15 New Panvel (East),
Navi Mumbai – 410 206, Maharashtra.

...Petitioner

Vs.

1. The State of TN,
Municipal Administration and Water Supply Department,
Rep. by its Secretary,
Fort St. George, Rajaji Road,
Chennai – 600 099.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.
3. Superintending Engineer,
Solid Waste Management Department,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for records relating to Tender Notice issued by the 2nd respondent dated 14.03.2024 and 10.07.2024 bearing Tender Notice No.S.W.M.C.No.A7/4875/2023 and corrigendum respectively for Establishment of Integrated Solid waste processing Facility (IWPF) and quash the same for being illegal and invalid.

For Petitioner : Mr.Manishankar, SC
for Ms.R.Ajitha

For Respondents : Dr.T.Seenivasan, SGP, for R1
: Mr.P.S.Raman, AG,
Assisted by Mr.A.S.Ragul Adhithya
for Ms.P.T.Ramadevi, SC, for R2 & R3

ORDER

This Writ petition has been filed seeking quashment of the Tender Notice issued by the 2nd respondent dated 14.03.2024 and 10.07.2024 bearing Tender Notice No.S.W.M.C.No.A7/4875/2023 and corrigendum respectively for Establishment of Integrated Solid waste processing Facility.

2. The case of the petitioner is that, the petitioner is a private limited company registered under the Companies Act and is engaged in the business of civil works, infrastructure development and asset management for the past 24 years. While so, on 14.03.2024, the 2nd respondent invited 'Request



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for qualification cum request for proposal' through e-procurement from reputed entities under single stage three bid system through International Competitive bidding, outlining the last date of submission and the tender opening on 07.05.2024 and 08.05.2024 respectively. The above said deadline was subsequently extended by the 1st respondent by issuing different ERRATA's and the last date of submission of bid was rescheduled on 02.08.2024 and bid opening was rescheduled on 03.08.2024. However, before issuing ERRATA V, the 1st respondent published a Corrigendum dated 10.07.2024 altering the eligibility criteria of the tender, only 13 days prior to the last date of submission. Aggrieved by the same, the petitioner has come up with this Writ petition.

3. Learned counsel for the petitioner submitted that the petitioner filed this Writ petition challenging the tender notice issued by the 2nd respondent solely on ground of violation of certain statutory mandates including Rules 11 and 50 of the Transparency in tenders (Public Private Partnership Procurement) Rules, 2012 (in short 'Act'). However, the learned counsel further submitted that, if the due date for submission is extended by



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a further period of one week, the petitioner will make necessary arrangement to form a consortium and prepare documentations to submit the bid in compliance with the newly introduced qualifications under the corrigendum dated 10.07.2024 and in view of the extension being granted for a period of one week for the late date of submission of the bid, the petitioner hereby waives their right to make any further challenge to the Tender process for violation of Rules 11 & 50 of the said act.

4. In response, the learned Advocate General appearing for the 2nd and 3rd respondents submitted that, the ERRATA-VII was issued on 07.08.2024, as per which, the last date and time for submission of bid is 16.08.2024 at 03.00 pm and the Bid opening date is 19.08.2024.

5. On the above said contentions, heard learned counsel appearing for the 1st respondent and perused the material documents placed on record.

6. In view of the above submission made by the learned counsel on either side, as the last date for submission of bid is extended till 16.08.2024



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as per the ERRATA dated 07.08.2024, the petitioner is entitled to participate in the tender and thereby, no further adjudication is required in this Writ petition.

7. Accordingly, this Writ Petition stands closed. No costs. Consequently, the connected miscellaneous petitions are closed.

08.08.2024

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The State of TN,
Municipal Administration and Water Supply Department,
Rep. by its Secretary,
Fort St. George, Rajaji Road,
Chennai – 600 099.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.
3. Superintending Engineer,
Solid Waste Management Department,
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