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W.P.No.27873 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27873 of 2024

And

W.M.P.Nos.30395 and 30396 of 2024

M/s.Sri Ganesh Lakshmi Construction India (P) Ltd.,
Rep. by its Director
R.Veerakumar

... Petitioner

Vs.

- 1.The Secretary (RT & H)
Room No.509, Ministry of Road Transport and
Highways Transport Bhawan,
1, Parliament Street,
New Delhi – 110 001.
- 2.The Secretary to Government
Highways and Minor Ports Department,
Fort St.George,
Secretariat,
Chennai – 600 009.
- 3.The Deputy Secretary to Government,
Law (Admin) Department,
Fort St.George,
Chennai – 600 009.
- 4.The Chief Engineer (H)
National Highways
Integrated Chief Engineers' Office
HRS Campus, 76 Sardar Patel Road,
Guindy,



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Chennai – 600 025.

5.The Superintending Engineer/
Tendering Inviting Authority,
National Highways,
Salem Circle,
Omalur Main Road,
Narasothipatty,
Alagapuram (Po),
Salem – 636 004.

6.J.Senthil Kumar

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned Tender Summary Report dated 14.08.2024 bearing Tender ID 2024_MoRTH_807065_1 issued by the fifth respondent and quash the same and consequently reject the sixth respondent's Bid for the Tender in TN.No.01/HDO/NH/2024-25.

For Petitioner : Mr.T.M.Mano

For Respondents : Mr.R.Sidharth for R1
Central Government Counsel
Mr.LSM.Hasan Fizal for R2 to R5
Additional Government Pleader
R6 – NRN

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for records relating to the Tender Summary Report dated 14.08.2024 bearing Tender ID 2024_MoRTH_



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807065_1 issued by the fifth respondent and quash the same and consequently reject the sixth respondent's Bid for the Tender in TN.No.01/HDO/NH/2024-25.

2.The learned counsel appearing for the petitioner submitted that the fifth respondent issued tender notification dated 13.05.2024 for widening the left out existing 2L to 2L+PS and strengthening the selected stretches from Km 9/6 to Km 15/6 of NH 381A (Vellakovil – Sankari Road) on EPC mode in Tamil Nadu and the petitioner participated in the tender process. The bids were to be opened on 08.07.2024, however, it was not opened on that day and the fifth respondent issued amendment and the tender opening date was postponed to 16.07.2024 citing administrative reasons and again on 16.07.2024 the tender was not opened and the tender opening date was postponed to 24.07.2024 citing administrative reasons. Again the tender opening date was changed from 24.07.2024 to 01.08.2024 citing administrative reasons and on 01.08.2024, it was again postponed to 02.08.2024 and the tender was not opened till 14.08.2024.

3.The learned counsel appearing for the petitioner further



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submitted that the registration of the sixth respondent was cancelled permanently by the Superintending Engineer, National Highways, Madurai vide proceedings dated 12.09.2023, however, the fifth respondent accepted the bid submitted by the sixth respondent. Hence, the petitioner made representation dated 10.09.2024 to the respondents 4 and 5 requesting to cancel the bid submitted by the sixth respondent, however, there is no response.

4.The learned counsel appearing for the petitioner further submitted that it would suffice if this Court issue direction to the respondents 4 and 5 to consider the petitioner's representation dated 10.09.2024 and to pass appropriate orders, within a reasonable time frame.

5.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case and without interfering with the order impugned in this writ petition, directs the respondents 4 and 5 to consider the petitioner's representation dated 10.09.2024 on merits and in accordance with law and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order.



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6.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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