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W.P.No.28264 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.28264 of 2024
and W.M.P.No.30806 of 2024**

Chennai Fire Works Dealers Welfare Association,
Rep.by its Executive President, R.Natarajan,
No.60/42, Bunder Street,
Chennai-600 001.
Petitioner

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Vs.

- 1.The Principal Secretary to Government,
Tourism, Culture, Religious Endowments,
and Chairman, Tamil Nadu Tourism Development Corporation,
Fort St.George, Secretariat, Chennai-600 009.
- 2.The Managing Director,
Tamil Nadu Tourism Development Corporation,
No.2, Wallajah Salai, Chennai-600 002.
- 3.The General Manager,
Tamil Nadu Tourism Development Corporation,
No.2, Wallajah Salai, Chennai-600 002.
- 4.Chennai Fireworks Merchants Welfare Association,
Rep.by its President, Mr.Z.Mohammed Javeed Akthar,
No.9/27, Raja Street, Raja Annamalaipuram,



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Chennai-600 028.
Respondents

...

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Letter No.63/FS/2024 dated 05.09.2024 issued by the third respondent and quash the same as unsustainable in law and also against the principles of natural justice and consequently, direct the respondents 1 to 3 to follow the terms and conditions laid down in the said tender notification by invoking the provisions of the Tamil Nadu Transparency in the Tenders Act, 1998 and the Tamil Nadu Tender Transparency in the Tender Rules, 2000 and previous orders of this Court.

For Petitioner	:	Mr.M.Vijay Anand
For Respondents	:	Mr.R.Neelakandan, Additional Advocate General assisted by Mr.A.Edwin Prabhakar Standing Counsel for R2 and R3 Mr.Yokesh Kannadasan Special Government Pleader for R1



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ORDER

This Writ Petition has been filed challenging the impugned Letter No.63/FS/2024 dated 05.09.2024 issued by the third respondent and quash the same as unsustainable in law and for a consequential direction to the respondents 1 to 3 to follow the terms and conditions laid down in the Tender Notification by invoking the provisions of the Tamil Nadu Transparency in the Tenders Act, 1998 and the Tamil Nadu Tender Transparency in the Tender Rules, 2000 and the previous orders of this Court.

2. The case of the petitioner is that the petitioner is the Executive President of Chennai Fire Works Dealers Welfare Association, which was established in the year 2003 for the welfare of the wholesale dealers of the Fireworks who are having shops in and around Bunder, Badrian, Malayaperumal, Anderson, Umperson, Stringer Street and NSC Bose Road, Chennai. The second respondent has floated E-tender for conducting the "Diwali Crackers Fair 2023" at Island Grounds, Chennai, in the year 2023



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and the petitioner Association have submitted their E-Tender by following the due procedures and received a E-mail from the Tender Inviting Authority that their Bid was accepted and the opening of the Financial Bid was fixed on 03.10.2023 at 10.30 a.m. On the said date, the petitioner Association came to know about the fourth respondent's participation in the said E-Tender process who is a stranger to their locality and ineligible to participate in the said E-Tender Process and immediately, the petitioner Association had given their objection letter to the second respondent to reject the bid of the fourth respondent, who has submitted forged documents and is not having sufficient experience. However, on 03.10.2023, the officials wantonly and deliberately updated the web portal of the E-Tender and stated that the tender process got over and the respondents purposefully avoided the petitioner Association from participating in the financial bid and the fair was conducted. Even after completion of the fair, the petitioner Association had given a detailed written representation to declare the fourth respondent as ineligible participant and blacklist them from further participation of tenders for misrepresenting and suppressing the material facts during the E-Tender



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process for conducting of Diwali Crackers Fair 2023, as per the provisions contemplated under the Tamil Nadu Transparency in Tenders Act, 1998. However, the third respondent has rejected the request of the petitioner vide impugned order dated 05.09.2024, which is under challenge in this writ petition. The learned counsel further submits that the fourth respondent is the ineligible person to participate in the E-Tender process and committed default with the Tender Inviting Authority and even then, the fourth respondent is allowed to participate in the Tender. Hence, he prays for appropriate orders.

3. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned Additional Advocate General assisted by the learned Standing Counsel appearing for the respondents 2 and 3.

4. The petitioner Association claiming that the fourth respondent Association is ineligible to participate in the E-Tender process and has



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committed default with the Tender Inviting Authority, has made a representation dated 09.08.2024 to declare the fourth respondent as ineligible participant and blacklist them from further participation of tenders for misrepresenting and suppressing the material facts during the E-Tender process for conducting Diwali Crackers Fair 2023 and it was rejected vide impugned letter dated 05.09.2024, which is under challenge in this writ petition. However, if at all the fourth respondent is the ineligible person and has committed any default as claimed by the learned counsel appearing for the petitioner, it is for the second respondent, who is the Competent Authority and who has floated the tender, to take action against the fourth respondent and the petitioner is not an aggrieved person. If the petitioner Association is having any grievance against the fourth respondent, they have to approach the civil Court for redressing their grievance and hence, the prayer sought for in the present writ petition cannot be granted by this Court. However, liberty is granted to the petitioner Association to work out their remedy before the civil Court against the fourth respondent in the manner known to law.



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5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

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M.DHANDAPANI, J.

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