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W.P. No.28312 of 2024 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.28312, 28318, 28320, 28321 of 2024 and 28375 of 2024
and
W.M.P. Nos.30875, 30876, 30877, 30878, 30862, 30879, 30864,
30874 and 30939 of 2024

W.P. No.28312 of 2024

R. Rama Rao

... Petitioner

Versus

1. The State of Tamil Nadu
Rep. by its Secretary
Highways Department,
Fort. St. George,
Chennai – 600 009.

2. Superintending Engineer (Highways),
Constructions & Maintenance (C & M),
Chennai Circle,
299, Anna Salai,
Teynampet,
Chennai – 600 006.

... Respondents

Prayer in W.P. No.28312 of 2024 Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned tender notices in TN.06/2024-25/HDO, dated 20.08.2024 insofar as Note 5 and corresponding impugned bid document (Prequalification Document) vide TN.06/Sl.No.01/CCR/Div/CRIDP 2024-25, insofar as clause 6.3 and



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impugned corrigendum to TN.06/2024-2025/HDO, dated 13.09.2024, pertaining to tender reference number TN.06/Sl. No.01/CCR Div/CRIDP 2024-25, published on 14.09.2024 issued by the 2nd respondent quash the same and direct the respondents to issue tender notice and tender bid document in accordance with the Tender Transparency Act, 1998.

For Petitioner in

W.P. Nos.28312, 28318, 28320,
28321 of 2024

: Mr.Masilamani
Senior Counsel
for
Mr.D. Prabhu Mukunth Arunkumar

For petitioner in

W.P. No.28375 of 2024

: Mr.V. Elangovan

For respondents in

W.P. Nos.28312, 28318, 28320,
28321 of 2024

: Mr.Yogesh Kannadasan
Spl. Govt. Pleader

For respondents in

W.P. No.28375 of 2024

: Mr.L.S.M. Hasan Fizal,
Additional Government Pleader

COMMON ORDER

Since the issue involved in all these writ petitions are one and the same, they are disposed of by a common order.

2. The petitioners herein are Contractors, who are executing contract works awarded by the Highways Department. It is stated that the 2nd



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respondent had issued 32 tenders for 43 roads in Chennai and Thiruvallur district, which are due on 24.09.2024. It is further stated that the tender documents can be downloaded free of cost and anyone who is qualified can apply for the tender bid. One of the requisite qualification for quoting such tender is that the concerned Divisional Engineer has to issue Site Inspection certificate. It is averred that the last date of receipt of tender through online portal is fixed at 24.09.2024 by 12.30 hours and the same shall be opened at 13.00 hours on 25.09.2024.

3. Learned Senior Counsel appearing for the petitioner submitted his arguments that five conditions of the Tender have been violated. He further submitted that contrary to Rules and Act relating to Tamil Nadu Tender Transparency, specifically Rule 21(2) and Section 10(7), the impugned tender notices, as well as bid document and corrigendum, all dated on various dates were passed by the respondents. He further submitted that the opening of tender shall be immediately after the closing time specified for the receipt of tenders i.e. 24.09.2024 by 13.30 hrs. Further he submitted that the eligibility criteria is also not fixed. He vehemently argued that as per Section 17 of the Act, secrecy will be lost if the petitioner discloses his participation with the Divisional Engineer and other officials as it will lead to great prejudice and hence, no details could be furnished. Further, it would also lead to cartel formation as knowledge of



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the persons who are participating in the tender would be known. In view of the above, he prays for quashing of the impugned tender notices, notices as well as bid document and corrigendum, as prayed for in the respective writ petitions.

4. Heard the learned Special Government Pleader appearing for the respondents on the above contentions and perused the records placed before this Court.

5. Mr.P. Chandrasekaran, Divisional Engineer (H), City Roads, Chennai (Highways Department) is present before this Court.

6. The learned Special Government Pleader submitted that inspection was carried on by the concerned Divisional Engineer, but they are yet to provide their certificate to the respective petitioner.

7. Considering the aforesaid submissions and in the interest of either party, this Court, without going into the merits of the contentions, is inclined to dispose of these writ petition by issuing following directions :-

i) On inspection, the concerned / jurisdictional Divisional Engineer shall issue Inspection certificate before 9.00 p.m. on 23.09.2024 to the respective petitioners.

ii) On receipt of such inspection report, the respective petitioner shall submit their application along with the said certificate before 12.30 p.m. on

24.09.2024.

<https://www.mhc.tn.gov.in/judis>



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iii) **The Superintending Engineer, who is the tender opening authority shall open the tenders at 2.00 p.m. on 24.09.2024.**

iv) Further it is made clear that the tender inviting authorities shall pass a reasoned order for disqualification, if any, in respect of any persons participated.

With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

23.09.2024

Index : Yes / No
vsi2

Note to Office :
Registry is directed to issue a copy of this order before 7.00 p.m. on 23.09.2024 and also upload the copy immediately on the website.

To
1. The Secretary,
State of Tamil Nadu
Highways Department,
Fort. St. George, Chennai – 600 009.

2. Superintending Engineer (Highways),
Constructions & Maintenance (C & M),
Chennai Circle, 299, Anna Salai,
Teynampet, Chennai – 600 006.

M.DHANDAPANI, J.



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