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W.P.No.37043 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.37043 of 2024

and

W.M.P.Nos.40022 of 2024

Integrated Service Point Pvt. Ltd.
Rep. by the Director
K. Ramnath Apparao
No. 6C, Gaiety Palace
Door No. 1/L, Blackers Road
Chennai 600 002

... Petitioner

vs.

Tamil Nadu Civil Supplies Corporation
Rep. by the Managing Director
TNCSC Head Office
CMRL Office Campus
Poonamallee High Road
Koyambedu, Chennai 600 107

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in NIT No. BS6/040536/2024 dated 21.11.2024 TNCSC/24-25 issued by the Respondent and Quash the same.

For Petitioner : Mr.S.Silambanan



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Senior Advocate
for M/s.Vadhana Bhaskar

For Respondent : Mr.P.S.Raman
Advocate General
Assisted by Mr.C.Selvaraj
Additional Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondent, this writ petition is disposed of at the admission stage itself.

2. The Writ Petition is filed challenging the Tender Notification issued by the respondent in NIT No. BS6/040536/2024 dated 21.11.2024 TNCSC/24-25.

3. The learned Senior Advocate appearing for the petitioner tried to assail the tender conditions mentioned in Pre-Qualification Criteria under Clause 3(15), which reads as follows:-

“3 (15). The tenderer should submit any one supporting documents for the source of supply of either raw dal / processed dal for at least 20% of the offered quantity in each



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variety.”

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4. The learned Senior Advocate appearing for the petitioner further submits that the above mentioned clause does not specify the details of the documents to be uploaded in view of ambiguity and hence, there is a danger of petitioner's bid being rejected on the ground that it failed to upload required documents. The learned Senior Counsel appearing for the petitioner by relying on Rule 17 of the Tamil Nadu Transparency in Tenders Rules, 2000, submitted that the petitioner submitted a representation dated 26.11.2024 before the respondent seeking clarification and the respondent has not issued any clarification. Therefore, the petitioner has come before this Court.

5. Today, when the writ petition is taken up for hearing, the learned Advocate General appearing for the respondent produced a clarification letter dated 05.12.2024 issued by the respondent, wherein necessary clarifications have been issued to the query raised by the petitioner regarding interpretation of Clause 3(15) of the Tender Conditions, the relevant portion of the said clarification dated 05.12.2024 reads as follows:-



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“7. The bidder can upload any legally valid document to support its claim of having 20% of the stock of offered quantity. The bidder can upload information regarding the source of supply in their letter head along with shipping invoice and any other contractual agreement and copies of any other legally valid supporting documents. All that the corporation requires under this clause is to be satisfied that the tendering party has got the necessary proof of maintaining the stock of 20 percent of the total quantity bid for.”

6. The learned Senior Advocate appearing for the petitioner would submit that in Line 3 and 4 of Paragraph No.7 in the said clarification, the word 'and' shall be read as 'or' to enable the petitioner to upload any one of the documents.

7. The learned Advocate General appearing for the respondent also submits that the word 'and' used in Line 3 and 4 of Paragraph No.7 in the said clarification shall be understood as 'or' and it will have the force of 'or'.

8. The said statement made by the Advocate General appearing for the respondent is recorded and the word used in the Line of 3 and 4 of Paragraph No.7 shall be read as 'or'. It is also clarified by the learned Advocate General the expression shipping invoice will include the bill of lading also. The said statement is also recorded.



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9. With these clarifications, the Writ Petition stands disposed of. No

costs. Consequently, the connected writ miscellaneous petition is closed.

09.12.2024
(2/2)

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

dm

To

The Managing Director
Tamil Nadu Civil Supplies Corporation,
TNCSC Head Office,
CMRL Office Campus,
Poonamallee High Road,
Koyambedu, Chennai 600 107.



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S.SOUNTHAR, J.

dm

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