



WEB COPY



W.P.No.38300 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.38300 of 2024 and
W.M.P.No.41461 of 2024

M/s.A.K.Steel

Represented by its Proprietor, Mr.K.Ashraf Ali

S.No.344/1, 355, 356/1, Outer Ring Road

Palanthandalam Village, Chennai-600 132.

... Petitioner

vs.

1. Assistant Executive Engineer

Building Maintenance Division

Public Works Department, Egmore, Chennai-600 008.

2. The Secretary

Building Maintenance Division

Public Works Department, Egmore, Chennai-600 008. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records of the proceedings by 1st Respondent in Contract No.1 /U.Se. Pe/ Ka.pa. Uko- 3/ 2024 dated 26.11.2024, quash the same and consequentially direct the Respondents to honor the original tender contract dated 22.09.2023.

For Petitioner : Mr.M.S.Viswanathan

For Respondents : Mr.G.Ameedius
Government Advocate



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ORDER

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

2. The writ petition is filed challenging the tender called for by the respondents for demolition of a building in Government Kilpauk Medical College and Hospital, Chennai-10.

3. It is the case of the petitioner that earlier respondents called for tender for demolition of three buildings namely old diabetic block building, old burns and cardiology block building and medical store block building on 15.09.2023. The petitioner participated in the tender process and he emerged as successful bidder and the bid submitted by the petitioner was accepted by the respondents. The petitioner paid Earnest Money Deposit(EMD) amount of Rs.4,500/- and caution deposit of Rs.2,12,000/- on 22.09.2023. The petitioner also submitted a representation before the



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respondents on 25.09.2023 requesting the respondents to give him time to remit the full payment till the building is vacated and ready for demolition.

Though respondents gave assurance that building will be vacated immediately on 27.09.2024, the respondents informed the petitioner that one of the three buildings was vacated and requested the petitioner to make full payment of Rs.92,60,000/- and Rs.16,66,800/- towards GST. The petitioner submitted a representation before the 1st respondent mentioning that the building which was vacated by the respondent was the smallest one and therefore, if other two buildings also vacated, the petitioner will be in a position to pay the entire amount. Thereafter, the respondents passed order on 25.11.2024 informing the petitioner about the cancellation of the tender awarded to the petitioner on the ground that petitioner failed to pay the bid amount within a time stipulated in the tender conditions. Subsequently, the impugned tender notice was issued for demolition of one of the buildings covered in the earlier tender. Aggrieved by the same, the petitioner has come before this Court.

4. The narration of the events mentioned above would make it clear that tender awarded to the petitioner was already cancelled owing to the



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failure of the petitioner to pay the bid amount as per the tender conditions.

The petitioner has not chosen to challenge the tender cancellation order. In these circumstances, it is not open to the petitioner to challenge the impugned tender notice issued by the respondents for demolition of one of the buildings which was covered by the earlier tender that was already cancelled. Therefore, this Court is not inclined to entertain the writ petition. Accordingly, the same is dismissed. However, it is open to the petitioner to participate in the tender. No costs. Consequently, the connected writ miscellaneous petition is closed.

13.12.2024

Index:Yes/No
Internet:Yes/No
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To

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Building Maintenance Division
Public Works Department, Egmore, Chennai-600 008.
2. The Secretary
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S.SOUNTHAR, J.

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