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W.P.No.39324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39324 of 2024 and
W.M.P.Nos.42587 and 42588 of 2024

M/s.Mahalakshmi Engineering Construction
Rep. By Its Partner, N.P.Moorthy,
No.6 M.F.Road, Ranipet 632402.

... Petitioner

vs.

1.The Chief Engineer (H)
Highways Department (C And M),
CKICP Complex, HRS Campus, No.76
Sardar Patel Road, Guindy, Chennai 600025.

2.The Superintendent Engineer (H)
Highways Department (C And M),
Tiruvannamalai Circle, Tiruvannamalai.

3.The Divisional Engineer
Highways Department (C And M),
Ranipet 632513. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of impugned rejection order in TENDER ID. 2024-HWAY-499820-1 in TN No.23 2024 25 HD) dt.29.10.2024 TVM 101 dt.12.12.2024 issued by the 2nd respondent herein and quash the same and consequently direct the respondent nos.1 to 3 to accept and process the tender bid application filed by the petitioner for TENDER NOTICE NO.23/2024-25/HDO, dated 29.10.2024(3) published by the 2nd respondent and pass.



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For Petitioner
For Respondents 1 to 3

: Mr.V.Janarthanan
: Mr.G.Ameedius
Government Advocate

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 order passed by the 2nd respondent rejecting the bids submitted by the petitioner.

3. The 2nd respondent issued a tender notification on 29.10.2024 for widening of road from two lane to four lane for a stretch between Arcot and Tindivanam and the petitioner submitted a bid on 11.12.2024. The bid submitted by the petitioner was rejected and the same was uploaded in the online portal. Aggrieved by the same, the petitioner has come before this Court.

4. A perusal of the impugned order would suggest that the bid submitted by the petitioner was rejected mainly on the ground that the petitioner failed to submit work site inspection certificate as per the tender conditions.



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5. The learned counsel for the petitioner submits that in spite of several attempts made by the petitioner to get the work site inspection certificate, the respondents failed to furnish the same. Therefore, he was constrained to upload the bid without the work site inspection certificate.

6. Though formal rejection order has not been communicated to the petitioner under Section 10(7) of Tender Transparency Act, the reason for rejection of petitioner's tender bid has already been uploaded and the same is impugned by the petitioner before this Court. Under Section 11 of Tender Transparency Act, the petitioner is entitled to challenge the order passed by the Accepting Authority/2nd respondent herein before the Government within 10 days from the date of receipt of order.

7. In the case on hand, till date the formal rejection order has not been communicated to the petitioner. Therefore, 2nd respondent is directed to communicate the formal order giving reasons within a period of one week from the date of receipt of copy of this order. On receipt of formal order, the petitioner is at liberty to challenge the same by filing an appeal before the



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Government. If any such appeal is filed by the petitioner within a time stipulated, the same shall be considered and final order shall be passed by the competent authority namely Secretary to Government, Highways Department, Government of Tamil Nadu within a period of six weeks from the date of filing of appeal by the petitioner. The competent authority shall give sufficient opportunity to the petitioner as per the Tender Transparency Act and the rules framed thereunder.

8. With the above directions, the Writ Petition stands disposed of. No costs.

20.12.2024

Index:Yes/No

Internet:Yes/No

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Note: Registry is directed to mark the copy of the order to the Secretary to Government, Highways Department, Government of Tamil Nadu.



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Highways Department (C And M),
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- 3.The Divisional Engineer
Highways Department (C And M),
Ranipet 632513.
4. The Secretary to Government,
Highways Department,
Government of Tamil Nadu.



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S.SOUNTHAR, J.

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