



W.P(MD)No.5068 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5068 of 2024
and
W.M.P(MD)Nos.4863 & 4864 of 2024

Basul Ashaf

... Petitioner

Vs.

1.The Chairman,
TANGEDCO,
N.P.K.R.R.Maaligai,
3rd Floor,
144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer /
Distribution,
TANGEDCO,
Tuticorin Thermal Power Station,
Tuticorin – 04.

3.The Superintending Engineer,
TANGEDCO,
Tuticorin Region,
Tuticorin – 04.

... Respondents



W.P(MD)No.5068 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the scrap tender Specification No.III/2023-24 issued by the Second respondent and quash the same consequently directing the respondents to issue the re-tender notification by considering the petitioner's representation dated 24.02.2024.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

Heard both sides.

2. The petitioner is interested in taking part in the scrap tender notifications issued by TANGEDCO. He is aggrieved because he has to pay 5% of the total rate quoted by him towards EMD. The learned counsel points out that such stipulation would cause hardship. It is also stated that other regions of TANGEDCO have not incorporated such a condition in their tender notice.



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3. The petitioner's contentions might as well be well founded. But then, the writ Court will not be justified in interfering in the matter unless it is shown that stipulation of such a tender condition is illegal or arbitrary. I do not find any illegality or arbitrariness. However, the real grievance appears to be that even if the tender turns out to be unsuccessful, EMD amount deposited by him remains locked in the coffers of TANGEDCO.

4. I direct the respondents to return the EMD amount to the unsuccessful tenderers the moment they are declared as unsuccessful. Such a refund shall be made within a period of seven days.

5. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

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G.R.SWAMINATHAN, J.

MGA

To

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