



WEB COPY

W.P.(MD)No.5325 of 202



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5325 of 2024
and
WMP(MD)Nos.5102 & 5103 of 2024

Kandasami

... Petitioner

Vs.

1.The Superintending Engineer,
Construction and Maintenance (C&M),
Highway's Circle,
Madurai – 625 002.

2.The Divisional Engineer (H),
Construction and Maintenance (C&M),
Sivagangai, Sivagangai District.

3.The Divisional Engineer (H),
Quality Control Division,
Madurai, Madurai District.

4.Gowsalya

... Respondents

(R4's name was amended vide court
order dated 12.03.2024)

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the Tender results in Tender Summary Report dated 27.02.2024 and the Bid Submission Confirmation dated 28.02.2024 pertaining to the Tender Notice No.MDU 207 TN No.57 2023 24 HDO dated 02.02.2024 on



the file of the first respondent and quash the same and direct the first respondent to award the said Tender work to the petitioner.

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For Petitioner : Mr.V.Kannan

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General
assisted by Mr.Senthil Ayyanar
Government Advocate for R1 to R3

Mr.R.M.Arun Swaminathan for R4

ORDER

The case on hand pertains to the tender process in respect of certain road works. The fourth respondent turned out to be the successful tenderer. In fact, work order has also been issued. At this stage, this writ petition came to be filed.

2.The learned counsel for the petitioner points out that the fourth respondent did not upload certain material documents. This fact is conceded in the counter affidavit itself. The stand of the official respondents is that the documents were given in person and that there has been substantial compliance of the tender requirement. I cannot agree with this contention. When tender condition specifically stipulated that all the materials should be uploaded online and that failure to do so will result in rejection of the tender itself, the tender inviting authority



W.P.(MD)No.5325 of 202

cannot be permitted to by-pass his own norm. I therefore indicated to the learned Additional Advocate General that I will be quashing the work order issued in favor of the fourth respondent.

3.At this stage, the learned Additional Advocate General submitted that there were totally four participants in the tender process and that L1, L3 and L4 have failed to upload the documents online. If the petitioner's case is accepted, it will become a case of single tender. He, therefore, on instructions, submitted that the authorities have decided to cancel the tender process itself. It is open to the tender inviting authority to cancel the tender process on justifiable grounds. In this case, I am more than satisfied that the situation justifies cancellation of the tender process. It is agreed that the respondents will conduct fresh tender as expeditiously as possible.

4.This writ petition is allowed on these terms. No costs. Connected miscellaneous petitions are closed.

14.03.2024

Internet : Yes/No
Index : Yes/No
skm



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G.R.SWAMINATHAN, J.

SKM

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