



W.P(MD)No.14746 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14746 of 2024

and

W.M.P.(MD)No.12936 of 2024

T.Suresh,
S/o.Thiraviyam,
Proprietor of Suruthi Constructions,
No.153a, Na, Keezha Ramanputhoor,
Nagercoil Post,
Kanyakumari District-629 001.

... Petitioner

Vs.

1. The Nuclear Power Corporation of India Limited,
The Kudankulam Nuclear Power Project,
Represented by this Site Director,
Kudankulam Nuclear Power Plant,
Kudankulam Post, Radhapuram Taluk,
Tirunelveli District.
- 2.The Station Director,
Kudankulam Nuclear Power Plant,
Kudankulam Post, Radhapuram Taluk,
Tirunelveli District.
- 3.The Engineer-Incharge,
Centralized Tender Cell,
Kudankulam Nuclear Power Plant,
Kudankulam Post, Radhapuram Taluk,
Tirunelveli District.
- 4.The Deputy General Manager and Group,
Finance and Accounts,



W.P(MD)No.14746 of 2024

Kudankulam Nuclear Power Plant,
Kudankulam Post,
Radhapuram Taluk,
Tirunelveli District.

5.The Commissioning Contract Committee,
Kudankulam Nuclear Power Plant,
Kudankulam Post,
Radhapuram Taluk,
Tirunelveli District.

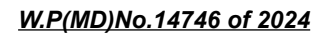
6.The Scientific Officer-E,
(C and Mm - Works Group),
Centralized Tender Cell,
Kudankulam Nuclear Power Plant,
Kudankulam Post, Radhapuram Taluk,
Tirunelveli District.

7.M.Subramanian

8. C.Kathiresan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent conduct appropriate enquiry upon the petitioner's representation dated 22.06.2024 and consequently, to direct the 2nd respondent to conduct the Tender No.NPCIL/KK-1 and 2/CONST/CIVIL-INFRA-PT/2023/113 by disqualifying the respondents 7 and 8 and to declare the successful bidder in a manner known to law within the time limit, that may be stipulated by this Court.



For Respondents : Mr.C.Muthu Saravanana for R1 to R6.

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondents 1 to 6.

2. The Nuclear Power Corporation has issued tender notification inviting tenders from eligible persons. The writ petitioner is one of the participants. The respondents 7 and 8 also participated in the tender process. The petitioner questions their eligibility. According to the petitioner, the work completion certificates obtained by the respondents 7 and 8 are not genuine. The petitioner sent representation in this regard to the corporation. The corporation officials verified and found that the respondents 7 and 8 are eligible to participate in the tender process.

3.The Writ Court cannot go into such disputed question of facts. I cannot therefore direct the corporation to disqualify the respondents 7 and 8. The other contentions of the petitioner as regards the tender process are left open.



W.P(MD)No.14746 of 2024

The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.14746 of 2024



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W.P(MD)No.14746 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.14746 of 2024

19.07.2024