



W.P(MD).No.24770 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.24770 of 2024

and

W.M.P(MD).No.21070 and 21071 of 2024

K.Manikandan

... Petitioner

Vs.,

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Executive Officer,
Reethapuram I -Grade Town Panchayat,
Kanyakumari District.

3.The Assistant Executive Engineer,
Town Panchayats,
Kanyakumari Zone,
Kanyakumari District.

4.The Junior Engineer,
Town Panchayats,
Kallukoottam Town Panchayat (H.Q),
Kanyakumari District.

5.S.Francis

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned evaluation report



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dated 25.09.2024 of the respondents 2 to 4 quash the same as illegal in so far as the evaluation in respect of the fifth respondent.

For Petitioner : Mr.C.Bharathi
For Respondents : Mr.D.Gandhiraj (for R1, R3 & R4)
Special Government Pleader
Mr.K.S.Selva Ganesan (for R2)
Additional Government Pleader

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2. Challenging the impugned evaluation report dated 25.09.2024 of the respondents 2 to 4, this writ petition has been filed.

3. It is the case of the petitioner that he is the class-I Contractor for National Highways Department. The second respondent vide proceedings in Na.Ka.No. 249/2024/A1 dated 16.08.2024 floated online tenders with respect to (KNMT) 2024-2025 Scheme for improvement of road. The last date for submitting bid documents was fixed as 04.09.2024 at 03.30 pm., and time for opening the tender bid was fixed as 04.09.2024 at 04.00 pm. The petitioner applied for the said

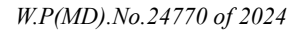


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tender and he is eligible to participate in the said tender, however, the tender has not been opened on 04.09.2024 at 04.00 pm, however, the official website has been opened only at 04.10 pm. It is the grievance of the petitioner that the tender has been allotted to the fifth respondent. Accordingly to the petitioner, the fifth respondent has not produced the relevant documents properly. It is also submitted that the documents submitted by the fifth respondent are not notarized and the bank certificate produced by the fifth respondent is insufficient. Hence, according to him, the impugned order deserves to be set aside.

4. On the side of the respondents it is stated that both the petitioner and the fifth respondent have submitted the relevant documents and tender was opened at correct time and GST certificate was also submitted by both of them. It is also stated that the petitioner quoted Rs.1,90,677/-, whereas the fifth respondent quoted Rs.1,90,500/-. Hence, the fifth respondent was awarded work and 50% of the work is over.

5. The main contention of the learned counsel for the petitioner is that latest GST return was not enclosed by the fifth respondent and it violates the tender condition. Despite the same, the fifth respondent was awarded the work.



21.10.2024

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N.SATHISH KUMAR, J.

Rmk

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