

K.E. Khader Meeran Vs. the Chief Engineer, Tamil Nadu Housing Board and anr.

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SooperKanoon Citation : sooperkanoon.com/814816

Court : Chennai

Decided On : Sep-07-1990

Reported in : (1991)82MLJ1

Appellant : K.E. Khader Meeran

Respondent : The Chief Engineer, Tamil Nadu Housing Board and anr.

Judgement :

ORDER

S. Ramalingam, J.

1. The petitioner is a registered Class I Contractor. He was the successful tenderer for the work of providing blacktapping asphaltic with kerb stone and pavement platform in S & S scheme at phase I, Navalpattu, Trichy. He could not execute the work for reasons best known to him, with the result that the tender was cancelled and fresh tenders were invited in Notice No. 3/90-91 dated 22.5.1990 for the same work, fixing 3.7.1990 as the last date for submission of tenders. The petitioner wanted to submit tender for this re-tender and when he approached the respondents for being furnished with copies of the tender schedule, his request was turned down by the impugned order dated 29.6.1990, under which the Superintending Engineer, Tiruchy 1, informed the petitioner as

follows:

In continuation of your letter cited it is informed that the same work has already been awarded to you and subsequently cancelled since you did not turn up to sign the agreement. While cancelling the work order all the formalities were observed and you have been informed then and there. Therefore your request for issuing tender schedule for the same work cannot be complied with.

2. In challenging the correctness of the impugned order, learned Counsel for the petitioner would state that virtually it amounts to blacklisting the petitioner without affording an opportunity. He would also state that there is no clause in the terms and conditions stating that if a person's tender had been cancelled either for non-execution or non-signing of the agreement, he would be debarred from participating in subsequent tenders for the same work. Learned Counsel for the respondents is also unable to cite any provision to this effect. Hence, there will be an order in the writ petition, directing the respondents to supply the tender schedules to the petitioner also. Time for submission of tender in so far as the petitioner is concerned, will be seven days from the date on which he receives the tender schedules. The tender submitted by the petitioner will be considered along with the tenders already received and it shall be processed in accordance with law. It is open to the respondents to either accept or reject the tender of the petitioner. The writ petition is ordered in the above terms. No costs.