

S.Kalyani Vs. the District Manager

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Court : Chennai

Decided On : Feb-16-2012

Judge : V.Dhanapalan, J.

Acts : Tamil Nadu Liquor Retail Vending (in Shops And Bars) Rules, 2003 - Rule 10(1); Tamil nadu Transparency in Tenders Act, 1998 - Section 9(4) ; Tamil Nadu Transparency in Tenders Rules, 2000 - Rule 16

Appeal No. : Writ Petition (MD).No.1793 of 2012 And M.P.(MD).Nos.1 to 3 of 2012

Appellant : S.Kalyani

Respondent : The District Manager

Advocate for Def. : Mr.M.Muniyasami, Adv.

Advocate for Pet/Ap. : Mr.A.Jenasenan, Adv

Judgement :

Prayer

Writ petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the tender notice dated 01.02.2012 made in Na.Ka.No.C.V.9/30/12 and quash the said proceedings dated 01.02.2012 and consequently directing the respondent to issue a fresh tender notice in terms of

Rule 10(1) of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 by inserting the tender conditions, viz., obtaining the no objection certificate from the owner of the building situated adjoining IMFS shop No.11813, located at No.5, Town Panchayat Complex, Kariapatti, so as to enable the Petitioner to participate in the tender after obtaining the tender application from the respondent.

ORDER

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

2. Heard Mr.A.Jenasenan, learned counsel for the petitioner and Mr.M.Muniyasami learned counsel for the respondent.

3. Challenging a tender notification floated by the respondent herein on 01.02.2012 inviting the applications to participate in respect of locating a bar adjacent to the IMFS shop, seeking to quash the said proceedings and for a consequential direction to the respondent to issue a fresh tender notice in terms of Rule 10(1) of the Tamil Nadu Liquor Retail Vending (in Shops & Bars) Rules, 2003 by inserting the tender conditions, namely, obtaining 'no objection certificate' from the owner of the building situated adjoining to shops, the petitioner is before this Court.

4. Mr.A.Jenasenan, learned counsel for the petitioner would contend that under Section 9(4) of the Tamil nadu Transparency in Tenders Act, 1998, the Tender Inviting Authority shall supply the schedule of rates and tender documents in such manner and in such places as may be prescribed to every intending tenderer who has applied for such document and also Rule 16 of the Tamil Nadu Transparency in Tenders Rules, 2000 the Tender Inviting Authority shall make available the tender documents from the date of publication of the tender. Therefore, the notification is infirmed to the effect that till date the tender inviting authority has not upload or made available the tender documents to every tenderer including the petitioner.

5. After exhaustive arguments and discussion, the learned counsel for the petitioner would make a plea that if the respondent upload the tender forms in the Web Site, then the petitioner will be able to download the same and the entire grievance of the petitioner would be redressed.

6. On noticing such submission and going through the material documents, Mr.M.Muniyasami, learned counsel for the respondent corporation requested time to take instructions and the matter to be passed over.

7. When the matter was taken up in the afternoon session, the learned counsel for the respondent corporation, on instructions, informs that they are prepared to upload the tender schedule in the Web Site and the petitioner may download the same. He further informed that the petitioner has not approached the concerned respondent till such time.

8. The learned counsel for the petitioner again informed that the petitioner is ready to go before the respondent or even to download the same from the Web Site.

9. In the above stated position, instead of interfering with the tender notification, in order to meet the ends of justice, it would be appropriate to direct the respondent to upload the tender documents to be made available to the petitioner in the light of the above Act and Rules on or before 17.02.2012 (Friday) and also follow the relevant rules scrupulously.

10. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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