



WEB COPY

WA No. 771 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.A. No. 771 of 2026

and C.M.P.No.7941 of 2026

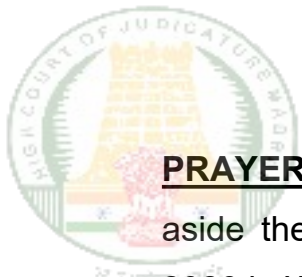
Force Identification Pvt.Ltd,
(CIN U74999KA2017PTC108058),
Rep. by its Director,
Having its Registered office at 504,
5th Cross, 2nd Block, Matadahalli,
R.T.Nagar, Bangaluru 560 032,
Karnataka, India.

..Appellant(s)

Vs

1. The Government of Tamil Nadu
Rep.by its Principal Secretary,
Transport Department,
Fort St. George, Chennai 9.
2. The Transport and Road Safety Commissioner
Commissionerate of Transport and Road Safety,
State Transport Authority,
Anna Salai, Guindy,
Chennai 32.

..Respondent(s)



PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the impugned order dated 18.3.2026 passed in W.M.P.No. 12073 of 2026 in W.P.No. 11115 of 2026.

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For Appellant(s): Mr. Nithesh Nataraj
for M/s. Vaibhav Rangarajan Venkatesh

For Respondent(s): Mr. P.S. Raman, Advocate General
Assisted by Mr.S.Rajesh
Government Advocate for R2

Mr.M.Suresh Kumar
Additional Advocate General
Assisted by Mr.U.M.Ravichandran
Special Government Pleader for R1

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The present Intra-Court Appeal has been instituted challenging the interim order passed by the Writ Court dated 18.03.2026 in W.M.P.No.12073 of 2026 in W.P.No.11115 of 2026.

2. The Writ Court, while declining to grant an interim stay, passed an interim order to the effect that any subsequent proceedings pursuant to the impugned E-Tender will be subject to the result of the writ petition. In the event of allowing the E-Tender to go on, the issues will become infructuous and therefore, the present appeal is filed.



3. The learned counsel for the appellant would mainly contend that the Tender Notification came to be issued on 24.02.2026. However, a Corrigendum to the Original Notification was issued by the respondents on 20.03.2026, more specifically, after the Model Code of Conduct for election was implemented by the Election Commission of India in the entire State of Tamil Nadu with effect from 15.03.2026. The Corrigendum issued after the implementation of the Model Code of Conduct, on 20.03.2026 would show that the original conditions stipulated in the Tender Notification are substantially modified and the modifications are travelling beyond the scope as permitted under Rule 17 of the Tamil Nadu Transparency in Tenders Rules. Thus, an interim stay of the Tender Notification is imminent for effective adjudication of the issues raised between the parties in the writ proceedings.

4. The learned Advocate General appearing for the State would strenuously oppose by stating that the Writ Court has already protected the interest of the parties stating that any subsequent actions pursuant to the impugned E-Tender will be subject to the result of the Writ Petition. That apart, the completion of E-Tender process will take some time and the Writ Petition itself is posted for final hearing by the learned Single Judge on 08.04.2026, and instead of arguing the main Writ Petition on the said day, the present Writ Appeal has been instituted, which is unnecessary.



5. The learned Advocate General would rely on Rule 17(1) of the Tamil Nadu Transparency in Tenders Rules, and would contend that the modification issued through Corrigendum dated 20.03.2026 would fall within the ambit of Rule 17 of the said Rules, and thus, there is no infirmity in respect of the modifications issued.

6. Adjudication of these issues on merits at this stage is unnecessary in view of the fact that the Writ Petition is pending and yet to be adjudicated on merits. The Intra-Court Appeal has been instituted only against the interim order and to seek an absolute stay of the Tender Notification in order to protect the interest of the parties, and in the event of allowing the tender process to go on, it may cause prejudice to the parties, and the writ petition will become infructuous.

7. Further, it would be relevant to extract certain clauses notified in the Original Tender Notification dated 24.02.2026 as well as the modifications issued through Corrigendum on 20.03.2026. The relevant clauses, viz., 4.2, 4.3 and 4.4 are extracted hereunder:-



CORRIGENDUM

S. No	Page No.	Clause	For				
4.	10	4.2	Clause	Qualification Criteria	Supporting Documents/ Remarks	Clause	Qualification C
			4.2	Experience: The bidder should have minimum 5 years of experience in printing and supplying of Smart Cards as on last date of bid submission	Copy of GST Registration Certificate	4.2	Experience: The bidder should have minimum 5 years of experience in printing and supplying of code based / C based Cards as on last date of bid submission
5.	10	4.3	Clause	Qualification Criteria	Supporting Documents/ Remarks	Clause	Qualification C
			4.3	Technical Capability: The Bidder should have completed at least one (1) project involving the supply of a minimum of 100 lakh smart cards manufactured from PC/ PVC / PETG/ ABS materials, executed for or on behalf of a Central	(i) Details of projects completed as per Annexure-VIII. (ii) Copies of Work Orders and Completion certificates issued by the clients for the completed contracts.	4.3	Technical Capa The Bidder should have completed at least one (1) project involving the supply of a minimum of 100 lakh smart cards manufactured from PC/ PVC / PETG/ ABS materials, executed for or on behalf of a



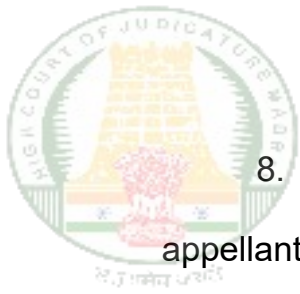
S. No	Page No.	Clause	For				
				Government agency, State Government agency, Public Sector Undertaking (PSU), or a Bank, within the five (5) years preceding the Bid submission date. Such project(s) should have included persona data capture, secure data processing, personalisation of data and printing. Ongoing projects shall also be considered, provided that the supply of at least 100 lakh smart cards has been completed prior to the Bid submission date.	(iii) If it is ongoing contract, the number of Smart Cards supplied as on tender closing date shall be considered.		Government agency, State Government agency, Public Sector Undertaking (PSU), or a Bank, within the five (5) years preceding the Bid submission date. Such project(s) should have included persona data capture, secure data processing, personalisation of data and printing. Ongoing projects shall also be considered, provided that the supply of at least 100 lakh smart cards has been completed prior to the Bid submission date.
6.	11	4.4	Clause	Qualification Criteria	Supporting Documents/ Remarks	Clause	Qualification Criteria
			4.4	Average annual turnover:	(i) The average annual turnover of the bidder duly certified by	4.4	Average annual turnover:



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S. No	Page No.	Clause	For	
			The bidder should have reported an Average Annual Turnover of at least ₹ 100 Crores only from printing and supplying of PC/PVC/PetG/ABS Smart cards in the last 3 (three) consecutive Financial Years i.e., 2022-23, 2023-24 and 2024-25.	Chartered Accountant with UDIN as per Annexure-IX (or) Cumulative Invoice value of Smart Cards supplied shall be verified. Turnover from other sources, interest and other income will not be considered. (ii) The Annual Reports with all schedules and Tax Audit Form 3CD / certified copies of Balance Sheet, Profit & Loss statement for the 3 (three) consecutive financial years. (iii) Income Tax Returns for the last 3 (three) consecutive financial years.
				The bidder should have reported an Average Annual Turnover of at least ₹ 40 Crores only from printing and supplying of PC/PVC/PetG/ABS Smart cards in the last 3 (three) consecutive Financial Years i.e., 2022-23, 2023-24 and 2024-25.



8. Relying on the above modification, the learned counsel for the appellant would submit that the conditions are changed in entirety and therefore, the modification cannot be construed as an amendment within the ambit of Rules. Considering the fact that the Writ Court has already listed the matter for final hearing on 08.04.2026, the parties to the lis are at liberty to raise their respective grounds for effective adjudication of issues before the learned Single Judge. However, in the interest of justice, there shall be an order of interim stay in respect of the tender process bearing Tender Reference No.7210/S4/2025 dated 23.02.2026, including the submission of bids, opening of technical bids, opening of financial bids, evaluation of bids, and issuance of any Letter of Award, till the disposal of the Writ Petition in W.P.No.11115 of 2026. The Writ Court is requested to dispose of the Writ Petition as expeditiously as possible.

9. Accordingly, this Writ Appeal stands disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also disposed of.

(S.M.S.,J.) (K.S.,J.)

26-03-2026

Index : Yes
Speaking Order : Yes

Asi



To

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1. The Principal Secretary,
Transport Department,
Fort St. George, Chennai 9.
2. The Transport and Road Safety Commissioner
Commissionerate of Transport and Road Safety,
State Transport Authority,
Anna Salai, Guindy,
Chennai 32.



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AND

K.SURENDER, J.

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