

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27943 of 2016

And

W.M.P.No.24115 of 2016

Shri Balasubramaniam Agencies
Rep by its Partners G.Vijayan ... Petitioner

Vs.

- 1 The Indian Oil Corporation Ltd
Rep. by its Chairman, 500 Anna Salai,
Chennai - 600 100.
- 2 The Deputy Manager (RS Chennai DO)
Indian Oil Corporation Limited,
500 Anna Salai, Teynampet,
Chennai - 600 100. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider the bid No.167767 and 167763 submitted by the petitioner for the purposes of transportation of MS/HSD by tank trucks having a capacity of 12Kl and 18Kl.

For Petitioner : Mr.V.Lakshminarayanan
For Respondents : Mr.R.Ravi

सत्यमेव जयते
O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner in the affidavit filed in support of this writ petition would aver among other things that the second respondent has floated the tender for road transportation of Bulk Petroleum Products - MSD/HSD/ Branded fuels from Chennai (Korrukupet/ Tondiarpet/FST - Chennai/ETTPL/RIL/HPC Ennore to various places and so also tender No.RCC/SR/TNSO/PT/43-15-16 was floated and also for dealership transportation in tender No.RCC/SR/TNSO/PT 40/15-16. The last date for submission of the application was fixed on 15.01.2016. The petitioner had submitted two tenders separately, i.e., from Korrukupet to

various places and offered 19 vehicles and in respect of the dealer transportation (EOI), he has offered a vehicle as he is running a petroleum outlet.

3.The petitioner would further state that opening of the tender involves scrutiny of the technical bids and other formalities. The petitioner's letter dated 06.07.2016 addressed to the second respondent states that L1 rate Chennai based location is minus 10% so also the one at Tiruchirapalli and the second respondent has directed the petitioner to confirm the same, in writing and accordingly, he did so by e - mail as well as by written communication.

4.The first respondent has also confirmed the same vide, letter dated 19.07.2016 and they also sent a confirmatory letter. According to the petitioner, their bid was opened on 11.01.2016 and their application was scrutinized and was found to be eligible and however, at the stage of evaluation, the bid offered by the petitioner did not find a place.

5.The grievance expressed by the petitioner is that, they had been shifted to L2 category and this fact was made known to them only on the personal visit of the deponent of the affidavit. The petitioner expressing apprehension that their bid may be rejected, came forward to file this writ petition.

6.Mr.V.Lakshminarayanan, the learned counsel appearing for the petitioner has drawn the attention of this Court to various documents in the typed set of documents and would submit that once the first respondent, has accepted that L1 rate Chennai based location is minus 10%, the obligation is cast upon them to process the same and pass appropriate orders and without communicating the same, they sought to reject the bid submitted by the petitioner in respect of both categories and therefore, the petitioner came forward to file this writ petition.

7.Per contra, Mr.R.Ravi, the learned Standing Counsel who accepts notice on behalf of the respondents on instructions, would submit that even in L1 category more than 400 bidders are there and as and when the said list is exhausted, the claim of the petitioner will be considered both in respect of the transporter category as well as dealership category and necessary communication will also be sent to them.

8.This Court has carefully considered the rival submissions and also perused the materials placed before it.

9.In the light of the submissions made by the learned Standing Counsel appearing for the respondents, the second respondent is directed to consider the bid made by the petitioner both, under transporter category and under dealership category in accordance with norms and communicate the decision

taken, to the petitioner within a period of three weeks from the date of receipt of a copy of this order and till such time, shall keep both bids alive.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pri

To

- 1 The Indian Oil Corporation Ltd
Rep. by its Chairman, 500 Anna Salai,
Chennai - 600 100.
- 2 The Deputy Manager(RS Chennai DO)
Indian Oil Corporation Limited,
500 Anna Salai, Teynampet,
Chennai - 600 100.

+1cc to M/s. V. Raghavachari, Advocate, S.R.No.10719
+1cc to Mr.R. Ravi, Advocate, S.R.No.45626

MP1(CO)
EU(12/08/2016)

W.P.No.27943 of 2016
And

W.M.P.No.24115 of 2016

WEB COPY