

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4539 of 2016

and

WMP No.3879 of 2016

1. P. Selvaraju
M/s.Sakthi Fules,
Indian Oil Dealers,
No.8-A, Ramakrishna Road,
Salem.
2. M.Sivakumar,
M/s.Annapurna Agencies,
Indian Oil Dealers,
5-A, Yercaud Main Road, Salem-7.
3. R. Saravanan,
M/s.Gurusai & Co.,
Indian Oil Dealer,
No.193/3, Karuppur Village,
Salem - 12.
4. S. Muthusamy,
M/s.Sivasakthi & Co.,
Indian Oil Dealer,
No.66-D, Bye Pass Road,
Harur 636 903,
Dharmapuri District.

सत्यमेव जयते

... Petitioners

Vs.

1. The Deputy General Manager,
(Contracts Cell),
Indian Oil Corporation Ltd., (M.D.),
Southern Regional Office,
Indian Oil Bhavan,
No.139, Mahatma Gandhi Road,
Chennai 600 034.

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2. The Controller of Explosives,
Ministry of Commerce and Industry,
Petroleum and Explosives Safety Organisation,
A & D Wing, Block 1-B, 2nd Floor,
Shastri Bhavan,
No.26, Haddous Road,
Nungambakkam, Chennai 600 006.
3. Regional Transport Officer (North),
Namakkal.

4. M. Moorthy
5. P.C.Sundaram
6. S.. Iswarya
7. S.Jeyanthi
8. M. Padma
9. M. Annapoorni
- 10.T.Manikandan

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to issue a writ of Mandamus to direct the 1st respondent to reject the tenders of the respondents 4 to 10 for road Transportation of Bulk Petroleum Products - MS/HSD/Branded Fuels in Tender No.:RCC/SR/TNSO/PT-39/15-16 dated 16.12.2015 on the file of the 1st respondent since they have produced bogus CCOE-licence from the 2nd respondent as per the representation of the petitioner dated 25.1.2015.

For Petitioner : Mr.S. Doraisamy
For Respondents : Mr.Abdul Saleem (R1)
Mr.P.Sanjay Gandhi (R3)

ORDER

The petitioners have come forward with this Writ Petition seeking for a mandamus upon the 1st respondent to reject the tenders of the respondents 4 to 10 for road Transportation of Bulk Petroleum Products - MS/HSD/Branded Fuels in Tender No.:RCC/SR/TNSO/PT-39/15-16, dated 16.12.2015 on the file of the 1st respondent since they have produced bogus CCOE-licence from the 2nd respondent as per the representation of the petitioners dated 25.1.2015.

2. Heard Mr.S.Doraisamy, learned counsel appearing for the petitioners and Mr.Abdul Saleem, learned counsel appearing for 1st respondent Indian Oil Corporation and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the 3rd respondent.

3. It is the case of the petitioners that the petitioners are Indian Oil Dealers under the 1st respondent Oil Corporation. The 1st respondent called for e-Tenders from Tank Truck (TT) Owners for offering contracts for transportation of petroleum products from bulk oil storage in Tamilnadu State to the locations within the state and outside the State through tank trucks from 1.1.2016 or a later date to be decided by the 1st respondent for a period three years.

4. The petitioners are dealers and owning 7, 5, 8 and 11 numbers of Tank Truck vehicles respectively having registration numbers in their respective names. The petitioners, after satisfying all the requirements, in order to participate in the tender, submitted their tender applications on 13.1.2016, 13.1.2016, 11.1.2016 and 8.1.2016 respectively, but the tender is not opened till date. The bid ID numbers of petitioners are 169941, 170053, 169279 and 168503 respectively.

5. It is further stated in the petition that as per the tender condition, the tenderer should produce a licence from the Controller of Explosives granted in Form No.XI under the Petroleum Rules 2002 and RTO registration certificate of the vehicle. To obtain a license who transports petroleum products by a Tank Truck, the particulars such as (i) Make and Model, (ii) Engine number, (iii) Chassis number and (iv) registered number should be furnished along with the application before the Controller of Explosives.

6. Accordingly, the respondents 4 to 10 herein who participated in the tender produced the license from the Controller of Explosive in Form No.XI, as if the licenses for their respective vehicles were issued on 13.1.2016.

7. On verification from the Regional transport Authority, all the above vehicles were purchased and taken delivery from T.V.Sundaram Iyengar and sons, Namakkal on 4.1.2016 and they were produced before the RTO, Namakkal for registration only on 11.1.2016.

8. It is the grievance of the petitioner that as on the date of the application to the controller of Explosives for the issue of licence, the respondents 4 to 10 do not have in possession of the vehicles and they could not have filled up the Form and furnish the particulars about the Engine number, chassis numbers, registered number, make and model, since they have purchased their vehicles only on 4.1.2016 and registered the same on 11.1.2016. Thus the respondents 4 to 10 in collusion with the 2nd respondent viz., the Controller of Explosives, Petroleum and Explosives Safety Organization have created false licenses as if, along with the application, the particulars of the vehicle viz., Engine number, chassis number,

registered number and make and model have been furnished. Hence the tenders of the respondents 4 to 10 should be rejected on the ground that the licenses obtained from the 2nd respondent by the respondents 4 to 10 are all bogus one.

9. It is their further submission that so far tender is not evolved by the 1st respondent. Hence the petitioners preferred a representation to the 1st respondent on 25.1.2016 requesting to reject the tenders of the respondents 4 to 10 since they have produced bogus CCOE licneces from the 2nd respondent. But till date, the same is kept pending without passing any order. Hence the present Writ Petition has been filed.

10. When the matter is taken up for consideration, learned counsel for the petitioners reiterated his submissions made in the affidavit filed in support of this writ petition.

11. Learned counsel appearing for the respondents 1 and 3, who took notice, upon instructions, submitted that the representation of the petitioners will be considered by the 1st respondent within the time that may be fixed by this Court.

12. In view of the submissions made by the learned counsel for respondents 1 and 3, this court directs the 1st petitioner to consider the representation of the petitioners dated 25.1.2016 and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this court has not expressed any opinion with regard to the merits of the claim of the petitioner.

With the above direction, this writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Deputy General Manager,
(Contracts Cell),
Indian Oil Corporation Ltd., (M.D.),
Southern Regional Office,
Indian Oil Bhavan,
No.139, Mahatma Gandhi Road,
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2. The Controller of Explosives,
Ministry of Commerce and Industry,
Petroleum and Explosives Safety Organisation,
A & D Wing, Block 1-B, 2nd Floor,
Shastri Bhavan,
No.26, Haddous Road,
Nungambakkam, Chennai 600 006.

3. Regional Transport Officer (North),
Namakkal.

+lcc to Mr.S.Doraisamy, Advocate sr.7861
+lcca to Mr.Abdul Saleem, Advocate Sr.7823

W.P.No.4539 of 2016

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