

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
W.A.Nos.457 to 461 and 927 and 928 of 2017
and C.M.P.No.11677 of 2017 in W.A.No.457 of 2017,
and C.M.P.No.14558 in W.A.No.927 of 2017,
and C.M.P.No.14559 of 2017 in W.A.No.928 of 2017

W.A.Nos.457 to 461 of 2017

EMMESS Control Private Limited,
Rep. by its Managing Director Mr.Srinivasan,
D.P.90, 91 & 92, SIDCO Industrial Estate,
Thirumazhisai, Chennai - 124.

...Appellant in WA.Nos.457 to 461/2017

vs.

1.M/s.Supreme Power Equipment Pvt. Ltd.
Rep. by its Managing Director, Mr.Vee.Rajmohan,
55, SIDCO Industrial Estate, Thirumazhisai,
Chennai - 600 124.

2.M/s.Danya Electric Company,
Rep. by its Managing Partner Mr.K.V.Pradeep,
512/2, Nayapakkam High Road,
Papparambakkam Village, Thiruvallur Dist.
Papparambakkam - 602 025.

3.M/s.Shree Abirami Engineering Works,
Rep. by its Managing Partner, Mr.Sirsabesan,
56, Arunachalam Main Road, Ambal Nagar, Porur,
Chennai - 600 116.

4.M/s.Tamil Nadu Transformers,
Rep. by its Partner, Mr.B.Arivalagan,
53, SIDCO Industrial Estate, Ranipet,
Vellore Dist. - 632 403.

5.M/s. Sri Ramakrishana Transformers,
Rep. by its Managing Partner Mr.A.Arun Kumar,
52/1A, Morrattandi Vanur Taluk,
Viluppuram - 605 101.

6.M/s.Suntech Transformers,
Rep. by its Partner Mr.B.Chandrasekaran,
52, SIDCO Industrial Estate, Ranipet,
Vellore Dist. - 632 403.

7.M/s.Willson Power & Distribution Technologies Pvt. Ltd.,
Rep. by its Managing Director Mr.Srinivasan,
Orakkadu Village, Cholavaram, Chennai - 600 067.

8.M/s.Suriya Electrical Enterprises,
Rep. by its Managing Partner Mr.Wenceslaus,
No.24 & 25/1, Anna Nagar, Kolathuvancherry,
Bharaniputhur Post, Chennai - 600 122.

9.M/s.SL Electricals,
Rep. by its Proprietor Mr.Srinivasan,
No.325, Odaman Nagar, Vannagaram,
Chennai - 600 095.

10.M/s.Lavanya Industries,
Rep. by its Partner Mr.P.R.Kannan,
No.4-A, Kuppuswamy Nagar,
Sivaboodhamedu, Pillayar Koil Street,
Vanagaram, Chennai - 600 095.

11.Sri Vinayagar Star Electricals,
Rep. by its Prop. C.Pethuraj,
No.9, Rajas Garden,
Mettukuppam Main Road,
Chettiar Agaram,
Chennai - 77.

12.Vinai Electricals,
Rep. by its Partner A.Periyanayagam,
No.4/123, 1st Street,
Balaji Nagar, Koluthuvancherry,
Chennai - 122.

13.V.K.Transformers,
Rep. by its Prop. A.Periyanayagam,
No.4/123, 1st Street,
Balaji Nagar, Koluthuvancherry,
Chennai - 122.

14.The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai - 2.

15.The Chief Engineer,
Material Management,
TANGEDCO,
No.144, Anna Salai, Chennai - 2.

16.The Bureau of Indian Standards,
Rep. by its Chief Scientist,
Southern Region,
IV Cross Road, CIT Campus,
Taramani, Chennai - 113.

W.A.No.927 of 2017

Sri Venkateswara Engineering Works,
Rep. by its Proprietor Mr.P.Babu,
No.160, Sangaralingam Street,
Gerugambakkam, Chennai - 128.

...Appellant

Vs.

1.M/s.SPS Transformers P.Ltd.,
Rep. by its General Manager,
Mr.K.R.Premkumar,
New No.1, Old No.7,
Dr.B.N.Road, 1st Street,
Chennai - 600 017.

2.The Chairman, Material Management,
TANGEDCO,
No.144, Anna Salai, Chennai - 2.

3.The Chief Engineer, Material Management,
TANGEDCO, 4th Floor, Western Wing,
NPKRR Maligai,
144, Anna Salai, Chennai - 2.

4.M/s.Supreme Power Equipment Pvt. Ltd.,
Rep. by M.D. Mr.Vee.Rajmohan,
No.55, SIDCO Industrial Estate,
Thirumazhisai, Chennai - 124.
5.S.L.Electricals,
Rep. by its Prop. T.Srinivasan,
No.325, Odaman Nagar, Vannagaram,
Chennai - 95.

6.SAP Industries,
Rep. by its CEO, R.Harirajan,
Plot No.51, Industrial Estate,
Thirumudivakkam, Chennai - 44.

7.Sarayu Engineering,
Rep. by its CEO R.Venkateswaran,
No.35, Padiyur Road, Kulathur,
Dindugal - 5.

8.Venkateswara Electrical Industries Pvt. Ltd.,
Rep. by its Managing Partner A.Sivasubramani,
No.74, Kundrathur Road, Porur, Chennai - 76.

9.Bala Industries,
Rep. by its Managing Partner, S.A.Arulselvam,
No.53, Multi Industrial Nagar,
Gerugambakkam, Chennai - 128.

10.Hindustan Transformers,
Rep. by its Managing Partner V.Ramesh,
No.37-B, SIDCO Industrial Estate,
Thirumazhisai, Chennai - 124.

11.EMMESS Control Pvt. Ltd.,
Rep. by its Director Mr.Srinivasan,
D.P.90, 91 & 92, SIDCO Industrial Estate,
Thirumazhisai, Chennai - 600 124.

12.M/s.EVR Electricals Pvt. Ltd.,
Rep. by its Director, Mr.Elumalai,
No.64, Ponni Amman Nagar,
Ayanambakkam, Chennai - 05.

13.M/s.IPL Products,
Rep. by its Proprietor, A.Shanmugam Velayutham,
R-2 Industrial Estate, Chennai - 32.

...Respondents

(Respondents 4 to 13 are
given up by Appellants)

W.A.No.928 of 2017

EMMESS Control Pvt. Ltd.,
Rep. by its Director Mr.Srinivasan,
D.P.90, 91 & 92, SIDCO Industrial Estate,
Thirumazhisai, Chennai - 600 124.

....Appellant

Vs.

1.Current Electricals Ltd.,
Rep. by its Executive Director Mr.M.Saravanan,
Survey No.184/2 & 213,
Thirumudivakkam Village, (Near SIDCO),
Sriperumbudur, Kanchipuram Dist.,
Chennai - 44.

2.The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai - 2.

3.The Chief Engineer,
Material Management, 4th Floor, Western Wing,
NPKRR Maligai, TANGEDCO, 144, Anna Salai, Chennai - 2.

4.M/s.Supreme Power Equipment Pvt. Ltd.,
Rep. by M.D. Mr.Vee.Rajmohan,
No.55, SIDCO Industrial Estate,
Thirumazhisai, Chennai - 124.

5.S.L.Electricals,
Rep. by its Prop. T.Srinivasan,
No.325, Odaman Nagar, Vannagaram,
Chennai - 95.

6.SAP Industries,
Rep. by its CEO, R.Harirajan,
Plot No.51, Industrial Estate,
Thirumudivakkam, Chennai - 44.

7.Sarayu Engineering,
Rep. by its CEO R.Venkateswaran,
No.35, Padiyur Road, Kulathur,
Dindigul - 5.

8.Venkateswara Electrical Industries Pvt. Ltd.,
Rep. by its Managing Director A.Sivasubramani,
No.74, Kundrathur Road, Porur, Chennai - 76.

9.Bala Industries,
Rep. by its Managing Partner, S.A.Arul Selvam,
No.53, Multi Industrial Nagar,
Gerugambakkam, Chennai - 128.

10.Hindustan Transformers,
Rep. by its Managing Partner V.Ramesh,
No.37-B, SIDCO Industrial Estate,
Thirumazhisai, Chennai - 124.

11.Sri Venkateswara Engineering Works,
Rep. by its Proprietor Mr.P.Babu,
No.160, Sangaralingam Street,
Gerugambakkam, Chennai - 128.

12.M/s.EVR Electricals Pvt. Ltd.,
Rep. by its Director, Mr.Elumalai,
No.64, Ponni Amman Nagar,
Ayanambakkam, Chennai - 95.

(Respondents 4 to 12 are
given up by Appellants)

...Respondents

For Appellant in all the
Writ Appeals : Mr.J.Srinivasa Mohan
For R.14 & R.15 in : Mr.Manishankar,
W.A.Nos.457 to 461 Addl.Advocate General
of 2017 Asst. by Mr.S.K.Raameshwar

For R.1 in W.A.Nos. : Mr.Seetharaman
927 & 928 of 2017 for Mr.R. Sivaraman

For R.2 & R.3 in : Mr.Manishankar
W.A.Nos.927 & 928 Addl.Advocate General
of 2017 Asst. by Mr.S.K.Raameshwar

Prayer in W.A.No.457 of 2017: Appeal filed under Clause 15 of
Letters Patent, to allow this appeal thereby setting aside the
order in W.P.No.3778 of 2017 dated 02.03.2017 and grant such
other suitable relief.

Prayer in WP.No.3778 of 2017: Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus Directing the 1st and 2nd respondents to grant 3 months time to the petitioner for submission of BIS Certification from the 3rd respondent pending evaluation of Tender Notification No.M-15/ 16-17 Extended dated 31.1.2017.

Prayer in W.A.No.458 of 2017: Appeal filed under Clause 15 of Letters Patent, to allow this appeal thereby setting aside the order in W.P.No.3781 of 2017 dated 02.03.2017 and grant such other suitable relief.

Prayer in WP.No.3781 of 2017:Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus Directing the 1st and 2nd respondents to grant 3 months time to the petitioner for submission of BIS Certification from the 3rd respondent pending evaluation of Tender Notification No.M-18/ 16-17 Extend dated 28.1.2017.

Prayer in W.A.No.459 of 2017: Appeal filed under Clause 15 of Letters Patent, to allow this appeal thereby setting aside the order in W.P.No.3782 of 2017 dated 02.03.2017 and grant such other suitable relief.

Prayer in WP.No.3782 of 2017: Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus Directing the 1st and 2nd respondents to grant 3 months time to the petitioner for submission of BIS Certification from the 3rd respondent pending evaluation of Tender Notification No.M-19/ 16-17 Extend dated 3.2.2017.

Prayer in W.A.No.460 of 2017: Appeal filed under Clause 15 of Letters Patent, to allow this appeal thereby setting aside the order in W.P.No.3783 of 2017 dated 02.03.2017 and grant such other suitable relief.

Prayer in WP.No.3783 of 2017:Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus Directing the 1st and 2nd respondents to grant 3 months time to the petitioner for submission of BIS Certification from the 3rd respondent pending evaluation of Tender Notification No.M-22/ 16-17 Extend dated 7.2.2017.

Prayer in W.A.No.461 of 2017: Appeal filed under Clause 15 of Letters Patent, to allow this appeal thereby setting aside the order in W.P.No.3784 of 2017 dated 02.03.2017 and grant such other suitable relief.

Prayer in WP.No.3784 of 2017:Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus Directing the 1st and 2nd respondents to grant 3 months time to the petitioner for submission of BIS

Certification from the 3rd respondent pending evaluation of Tender Notification No.M-23/ 16-17 Extend dated 4.2.2017.

Prayer in W.A.No.927 of 2017: Appeal filed under Clause 15 of Letters Patent, to allow this appeal thereby setting aside the order in W.P.No.14886 of 2017 dated 28.07.2017 and grant such other suitable relief.

Prayer in WP.No.14886 of 2017: Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to open Envelope-B (Price Bid) of the petitioner submitted for supply of energy efficiency transformers in response to specifications No M-15/16-17 M-16/16-17 M-19/16-17 M-22/16-17 & M-23/16-17 dated 23.01.2017 to 07.02.2017 and to place purchase orders for supply of transformer.

Prayer in W.A.No.928 of 2017: Appeal filed under Clause 15 of Letters Patent, to allow this appeal thereby setting aside the order in W.P.No.14904 of 2017 dated 28.07.2017 and grant such other suitable relief.

Prayer in WP.No.14904 of 2017: Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondent to open Envelope-B (Price Bid) of the petitioner submitted for supply of energy efficiency transformers in response to Specifications Numbers M-15/16-17 M-16/16-17 M-19/16-17 M-22/16-17 & M-23/16-17 dated 20.01.2017 to 07.02.2017 and to place purchase orders for supply of transformer.

COMMON JUDGMENT

[Order of the Court was made by RAJIV SHAKDHER, J.]

1.Mr.J.Srinivasa Mohan, advocate, who appears for the appellants in W.A.Nos.457 to 461 and 927 and 928 of 2017, says that, he has instructions, to convey to the Court, that the appellants, wish to withdraw the captioned appeals.

1.1.An endorsement to that effect has also been made on the paper book.

2.Accordingly, the writ appeals are dismissed as withdrawn, subject to the liberty to raise the issues referred in the connected appeal i.e., W.A.No.472 of 2017, albeit, in accordance with law. Consequently, connected pending miscellaneous petitions shall stand closed as well. No costs.

Sd/-

Assistant Registrar

//True Copy//

To

1.The Bureau of Indian Standards
Rep.by its Chief Scientist,
Southern Region,
IVth Cross Road, CIT Campus,
Taramani, Chennai -113.

2.The Chairman,
Material Management,
TANGED CO.,
No.144, Annasalai, Chennai 2.

3.The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai - 2.

4.The Chief Engineer,
Material Management,
TANGEDCO,
No.144, Anna Salai, Chennai - 2.

+2cc to Mr.R.Sivaraman, Advocate Sr.No.84905
+1cc to Mr.J.Srinivasa Mohan, Advocate SR.No.84772
+1cc to Mr.S.K.Rameshuwar, Advocate Sr.No.84284
+1cc to Mr.H.Karthik Seshadri, Advocate Sr.No.84174

PPA (CO)
sm:5.2.2018

W.A.Nos.457 to 461 and 927 and 928 of 2017
and C.M.P.No.11677 of 2017 in W.A.No.457 of 2017,
and C.M.P.No.14558 in W.A.No.927 of 2017,
and C.M.P.No.14559 of 2017 in W.A.No.928 of 2017

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