

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.26771 of 2018 and
W.M.P. No.31120 of 2018

TPLS Gas Service,
rep. by its Proprietor
N.Jayachandran

.. Petitioner

Vs

M/s.Indian Oil Corporation Limited,
rep. by its General Manager,
(LPG-S&D), SR,
Southern Region Office,
Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai-600 034.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 28.09.2018 by not giving allocation to unsuccessful 21 Metric Tonne Tanker Trucks (MT TTs) in the place of unfulfilled 18 MT TTs under SC/ST category and further direct the respondent to allocate the unfulfilled non-availability of 18 MT TTs under SC/ST category to the general category as per tender condition in clause 5-12(d)(i)(9) in the Tender No.LPG/BULK/TT/IOC/TN/2018 dated 23.01.2018.

For Petitioner : Mr.P.Wilson,
Senior counsel for
Mr.S.Senthil

For Respondent : Mr.Mohammed Fayaz Ali

ORDER

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this writ petition seeking a direction to the respondent to consider his representation dated 28.09.2018 by not giving allocation to

unsuccessful 21 Metric Tonne Tanker Trucks (MT TTs) in the place of unfulfilled 18 MT TTs under SC/ST category and for consequential reliefs.

3. According to the learned senior counsel for the petitioner, the petitioner who is the owner of LPG Tanker Truck participated in E-Tender for transportation contract with the respondent and his technical bid was accepted. At the time of pre-bid meet, a query was made with regard to ratio for conversion between 18 MT and 21 MT TTS and based on which a corrigendum dated 16.02.2018 was issued. For applying the same along with Tender condition 5-12(d)(i)(9) dated 23.01.2018, the petitioner has submitted a representation dated 28.09.2018 claiming the relief as prayed in this writ petition, but, the same is yet to be disposed of by the respondent. However, the learned senior counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered by the respondent, on merits.

4. Mr. Mohammed Fayaz Ali, learned Standing Counsel taking notice for the respondent, submitted that though the petitioner's representation is recently submitted, the same would be considered in line of the corrigendum issued on 16.02.2018, after granting sufficient opportunity to the petitioner as well as any of the interested parties.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to consider the petitioner's representation dated 28.09.2018 and pass appropriate orders, on merits and in accordance with law in the light of the corrigendum dated 16.02.2018 and as per tender condition in clause 5-13(d)(i)(9) dated 23.01.2018 after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. Consequently, connected W.M.P. is closed. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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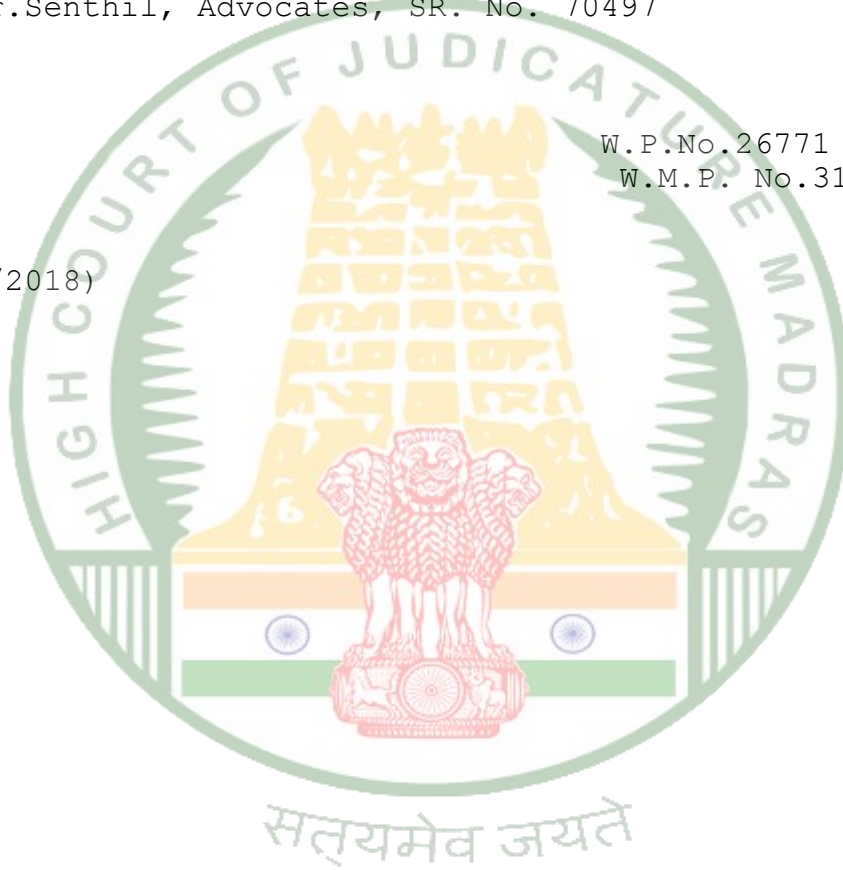
M/s.Indian Oil Corporation Limited,
rep. by its General Manager,
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Chennai-600 034.

+lcc to Mr.Mohammed Fayaz Ali, Advocates, SR. No. 70058

+lcc to Mr.Senthil, Advocates, SR. No. 70497

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PPA(CO)
rrs(15/10/2018)



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