

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.25643 of 2018

and

W.M.P.Nos.29825, 29826, 29829 & 31407 of 2018

M/s. Wind World (India) Limited
Represented by its Authorized Signatory
Wind World Towers,
Plot No.A-9, Veera Industrial Estate,
Veera Desai Road,
Anderi (West), Mumbai-400053.Petitioner

Vs.

M/s. Chennai Petroleum Corporation,
Represented by its Chairman,
Chennai Petroleum Ltd,
Manali, Chennai-600069.Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in relation to the impugned communication dated 24.09.2018 issued by the respondent in relation to the Tender bearing No.CC 0086 18 dated 27.04.2018 and consequently, quash the same as illegal and arbitrary and further direct the respondent to invite fresh tender allowing the petitioner to participate.

For Petitioner : Mr.A.R.L.Sundaresan
Senior Counsel
for M/s.Rohini Ravikumar

For Respondent : Mr.S.Arjun Suresh

O R D E R

This writ petition is filed challenging the communication issued by the respondent dated 24.09.2018, wherein and whereby, the petitioner was informed that their bid for the subject

matter tender has been rejected during Technical evaluation by the duly constituted committee for the reason that the petitioner is not meeting the PQ other qualifying criteria clause No.1.1.3.6.

2. This Court, while entertaining this writ petition, granted an interim injunction on 01.10.2018 and the same was extended periodically and by order dated 28.11.2018, it was again extended until further orders.

3. The respondent filed a counter affidavit dated 09.10.2018 along with vacate stay petition and opposed this writ petition.

4. However, when the matter is taken up today for further hearing, the learned counsel for the respondent submitted that the respondent is willing to withdraw the impugned communication and would consider the price bid of the petitioner along with others. Therefore, he made an endorsement also to that effect in the writ petition. Consequently, the learned counsel for the respondent seeks for disposal of this writ petition as infructuous.

5. On the other hand, Mr.A.R.L.Sundaresan, learned Senior Counsel appearing for the petitioner submitted that though, the respondent has chosen to withdraw the impugned communication, still the writ petition can be heard and decided by this Court on the reason that the validity period of the tender submitted, being six months and such period having expired by this time, the respondent has to only call for fresh tender.

6. To the above said submission made by the learned Senior Counsel, the learned counsel for the respondent submitted that the said six months period has not expired, since the period of interim order granted by this Court as stated supra, in force has to be excluded while calculating such period of 6 months and if it is done so, the respondent is still having two months validity period.

7. I find force in the above submissions made by the learned counsel for the respondent.

8. Considering the above stated facts and circumstances and considering the very fact that the respondent has chosen to withdraw the impugned communication, which is the subject matter in this writ petition, this Court is not inclined to retain this writ petition any further, especially, when the respondent has undertaken to consider the price bid of the petitioner as well. Accordingly, this writ petition is dismissed as infructuous. As per the undertaking given before this Court, the respondent shall consider the price bid of the petitioner also with other

bidders and pass appropriate orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are dismissed.

sni/mk

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

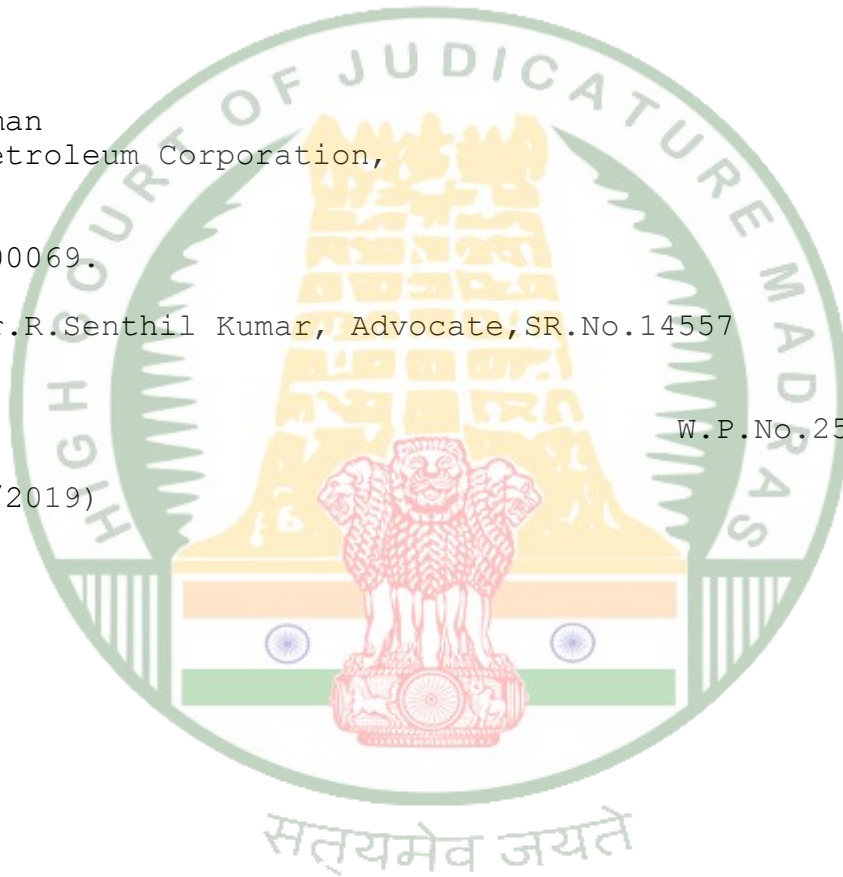
To

The Chairman
Chennai Petroleum Corporation,
Ltd.,
Manali,
Chennai-600069.

+1cc to Mr.R.Senthil Kumar, Advocate,SR.No.14557

W.P.No.25643 of 2018

Kak (21/03/2019)



WEB COPY