



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2021

Coram

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.7004 of 2020

and W.M.P.No.8354 of 2020

Mrs. Meera Sivasankaran

.. Petitioner

Versus

The Deputy General Manager
Reserve Bank of India
16, Rajaji Salai
Chennai - 600 001

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the I.D. Che. Rem. No. 940/03.08.016/2019-20 dated 04.09.2019 issued by the respondent, quash the same as being illegal, unjust and arbitrary and direct the respondent to permit the petitioner to participate in future tenders.

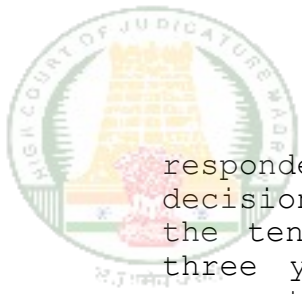
For Petitioner : Mr. N. Senthil Kumar

For Respondent : Mr. C. Mohan
for M/s.King & Partridge

ORDER

The petitioner calls in question the proceedings dated 04.09.2019 of the respondent, to quash the same and consequently, direct the respondent to permit the petitioner to participate in future tenders.

2. The petitioner is an entrepreneur, running a travels company in the name and style of "Lakshmi Travels" from the year 1994 and providing employment to about 300 persons on a regular basis. Her firm is providing its services to several Public Sector Undertakings and multi-national companies. While so, the respondent floated e-tender for supply of cars, utility vehicles for local/outstation trips for Bank's representative/Police escort accompanying fresh/soiled note remittances. The petitioner submitted her application along with the required documents and waited to participate in the said tender. However, the respondent Bank vide Show Cause Notice dated 09.07.2019, called upon the petitioner to explain as to why her firm should not be debarred from participating in future tenders of the Bank for submitting a false insolvency certificate from HDFC Bank. Upon receipt of the same, the petitioner submitted her explanation on 24.07.2019, but, the



respondent vide communication dated 04.09.2019, conveyed their decision to debar the petitioner firm from participating in any of the tenders floated by the Reserve Bank of India for a period of three years, starting from August 30, 2019. Aggrieved over the same, the petitioner has filed the present writ petition for the relief stated supra.

3. Upon notice, the learned counsel for the respondent, on instructions, submitted that the Reserve Bank of India is always considering the plight of the tenderers and taking action only as and when discrepancies and defects committed by the parties are notified.

4. In reply, the learned counsel for the petitioner submitted that the petitioner is now, inclined to file an affidavit of undertaking to the effect that she would comply with all the required documentation and integrity as mandated in the dealings with the RBI and that, she would not make any claim against the respondent for damages / loss incurred on account of the debarment.

5. Accordingly, an affidavit of undertaking has been filed before this court on 23.09.2021, the relevant passage of which is usefully extracted below:

"3. I humbly submit that the happenings in the tender floated by the respondent during the year 2019 was unfortunate and I accepted moral responsibility for the mistake and assured that such mistakes will never recur in future and moreover, I have taken criminal action against the person responsible for such offence. I submit that in the circumstances, I pleaded with the respondent that debarring me from participating in future tenders is excessive and disproportionate as the livelihood of 300 families is involved.

5. I humbly submit and reiterate with all humility to comply with all the required documentation and integrity mandated in the dealings with the respondent and further I undertake that I shall not make any claim against the respondent for any damages/loss incurred on account of the debarment.

For the reasons stated in the aforesaid paragraphs, it is humbly prayed that this Hon'ble Court may be pleased to pass orders to consider the reduction in debarment period and pass such other order as this Hon'ble Court may deem fit and necessary in the circumstances of the case and thus render justice."

6. In view of the affidavit of undertaking filed by the petitioner, the learned counsel for the respondent submitted that considering the fact that 300 workmen are working in the petitioner firm and their families are depending upon the income derived for their livelihood, the respondent Bank generously agreed to reduce the debarment period of the petitioner firm from 3 years to 2 years on condition that the petitioner should follow the aforesaid undertakings given by her scrupulously.



7. In the light of the submissions made by the learned counsel appearing for all the parties, this court is of the opinion that there can be no impediment for the petitioner firm to participate in the future tender process. Recording the affidavit of undertaking filed by the petitioner on 23.09.2021 as well as the submissions made on the side of the respondents, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

mrr/rsh

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Deputy General Manager,
Reserve Bank of India,
16, Rajaji Salai,
Chennai - 600 001.

+1 C.C. to M/S.KING AND PARTRIDGE, Advocate SR.NO.50568

WP.No.7004 of 2020

SS(CO)
PM(21/10/2021)