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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.03.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.16727 of 2020 &
W.M.P.Nos.20745 & 20746 of 2020

CapCo Water Solution Private Limited,
15AJ, Laxmi Estate, Link Road,
Andheri West, Mumbai – 400053.
Represented by its Director,
Milin Madhusudan Kocha ... Petitioner

vs.

1.M/s.Bharat Heavy Electricals Limited,
Boiler Auxiliaries Plant,
Ranipet – 632 406,
Represented by its Managing Director.

2.M/s.TANGEDCO,
10th floor, NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.
Represented by its Chairman ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus calling for the records of the rejection email dated 21.10.2020 issued by the 1st respondent and quash the same and direct the 1st respondent to consider the bid submitted by the petitioner on 28.07.2020.

For petitioner ... Mr.Thriyambak J.Kannan
For Respondent 1 ... Mr.A.V.Arun

For Respondent 2 ... Mr.N.Damodaran

ORDER

This writ petition has been filed challenging the rejection email dated 21.10.2020 issued by the first respondent and for a direction to the first respondent to consider the bid submitted by the petitioner on 28.07.2020.

2. On instructions, the respective counsels appearing for the petitioner as well as the respondents have filed a Joint

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memo dated 23.03.2021 on behalf of the petitioner and the respondents.

3. As per the said memo, the petitioner and the respondents have agreed in the following manner:

> "1.This writ petition is filed by the Petitioner challenging the rejection of the Petitioner's bid by the 1st Respondent dated 21.10.2020 for the Tender Ref.No.7700157E (NIT_53148) for the supply of the electro chlorination plant for Udangudi Supercritical Thermal Power Project-Stage -1 (2X 660 MW) dated 02.06.2020.
>
> 2. The petitioner and the Respondents above named have arrived at a settlement on the following terms and conditions:
>
> a) The 1st Respondent will withdraw its rejection communicated by email 21.10.2020 and acknowledges that the Petitioner will by allowed for participating in the future projects issued by the 1st Respondent.
>
> b) The 2nd Respondent acknowledges that the Petitioner will be considered as an approved vendor based on the credential status as on date of any other works subject to fulfilling the tender Specification conditions in relating to the any other works for the 2nd Respondent.
>
> c) the Petitioner undertakes not to participate in Tender Ref.No.7700157E (NIT_53148) issued by the 1st Respondent for the supply of the electro chlorination plant for Udangudi Supercritical Thermal Power Project- Stage -1 (2X 660 MW) which is the subject matter of the present writ.
>
> 3. In the interest of time the present memo is being signed by the counsels and not by the respective parties."

4. The Joint memo dated 23.03.2021 shall form part of this Order. In terms of the joint memo, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

*Herein enclosed the xerox copy of Join Memo.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Managing Director.
M/s.Bharat Heavy Electricals Limited,
Boiler Auxiliaries Plant,
Ranipet – 632 406.

2.The Chairman,
M/s.TANGEDCO,
10th floor, NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.

+1cc to Mr.Thriyambak J.Kannan, Advocate SR.No. 19053
+1cc to Mr.A.V.Arun, Advocate SR.No. 19052

W.P. No.16727 of 2020

RK(CO)
A.SK(19.08.2021)

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