

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.17846 of 2020
and W.M.P.Nos.22135 and 22897 of 2020

M/s.Process Color,

(A proprietary concern owned by Mr.T.M.Rajan)

Represented by his authorized signatory Mr.R.Mohan,

L&T Bypass Junction, Behind IOC Petrol Pump,

Madukkarai P.O., Coimbatore - 641 105.

...Petitioner

Vs.

1. The Excise Commissioner,
Government of Puducherry,
Secretariat, Goubert Avenue, Beach Road,
White Town, Puducherry - 605 001.

2. The Deputy Commissioner (Excise),
Department of Excise and Prohibition,
Government of Puducherry,
Industrial Estate Road, Thattanchavadi,
Puducherry - 605 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned e-tender dated 04.11.2020 towards proposal for implementation of 'Hologram with QR Code based Integrated Excise Management System' floated by the 2nd respondent in its online portal <https://exciseportal.py.gov.in>, quash the same and consequently direct the respondents to abide by the terms and conditions of the Agreement dated 01.12.2018 entered into between the petitioner and 1st respondent for the entire term of the Agreement up to 30.11.2021 extendable for a further period of 2 years.

For Petitioner : Mr.AR.L.Sundaresan, SC
for M/s.Chennai Law Associates

For Respondents : Mr.A.V.Ramalingam for R1 & R2
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned e-tender on the apprehension that the petitioner who is having a valid contract with the respondents will be disturbed by the respondents as according to him, his existing contract is valid upto 30.11.2021.

2.Heard Mr.AR.L.Sundaresan, learned counsel for the petitioner and Mr.A.V.Ramalingam, learned Additional Government Pleader for the respondents 1 and 2.

3.A counter affidavit has also filed by the respondents before this Court wherein in paragraph No.5, they have admitted that the contract awarded to the petitioner expires only on 30.11.2021. They have also admitted in paragraph No.10 that there is no intention on their part to disturb the existing contract with the petitioner.

4.They have also admitted in paragraph No.13(A) and (E) that they have communicated to the petitioner that they are not going to disturb his existing contract which is valid upto 30.11.2021. They have also admitted that no termination notice has been issued on the petitioner and they have stated that the writ petition is based merely on conjectures and the same is recorded.

5.Mr.AR.L.Sundaresan, learned Senior Counsel for the petitioner on instructions is satisfied with the contents of the counter affidavit as found in the relevant paragraphs of the counter affidavit as referred to supra.

6.After recording the submission made in the counter affidavit filed by the respondents and in view of the fact that the respondents are not going to disturb the existing contract with the petitioner which is valid upto 30.11.2021, nothing survives for further adjudication in this matter and the writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pam
To

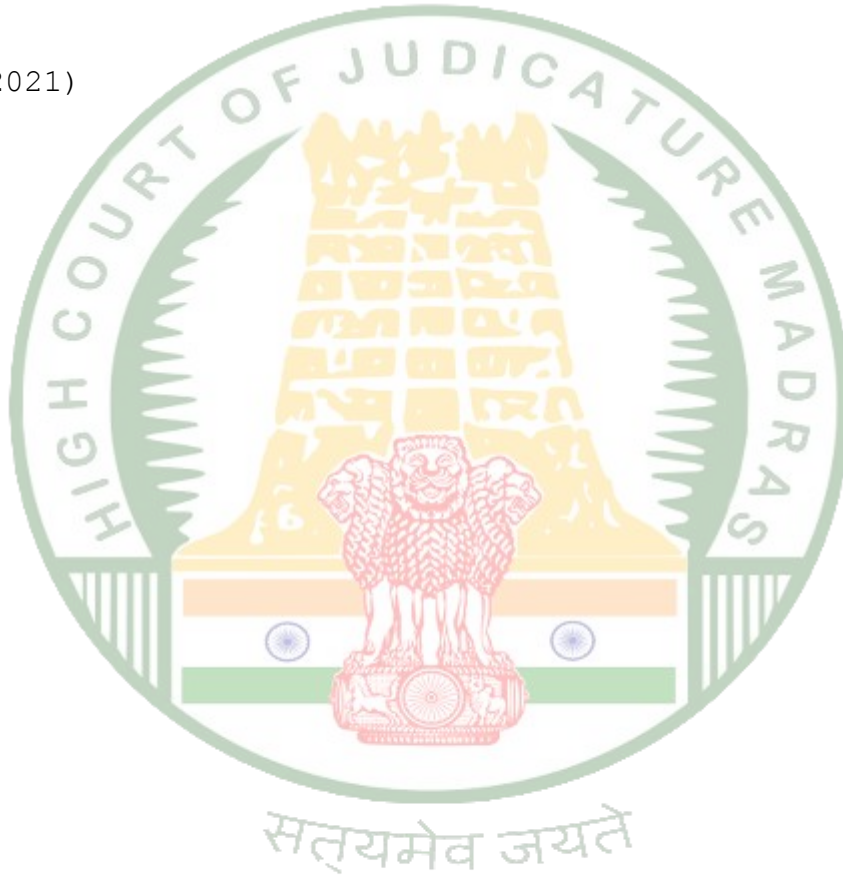
1. The Excise Commissioner,
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2. The Deputy Commissioner (Excise),
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Government of Puducherry,
Industrial Estate Road, Thattanchavadi,
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+1cc to the Government Pleader(Puducherry), S.R.No.4117

W.P.No.17846 of 2020

jp(CO)
rv(10/02/2021)



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