



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.20947 of 2021 and
WMP.Nos.22218 & 22219 of 2021

M/s. Peter and Miller Packers,
represented by its Proprietor
No.130, Ramanaicken Street,
Royapuram, Chennai 600 013.

... Petitioner

versus

1.The General Manager,
Marketing Division,
Indian Oil Corporation Limited.,
139, Nungambakkam High Road,
Chennai 600 034.

2.Deputy General Manager,
Tender Inviting Authority,
Indian Oil Corporation Limited,
139, Nungambakkam High Road,
Chennai 600 034.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 26.07.2021 (uploaded on 27.07.2021) and process the e-tender bid of the petitioner dated 09.06.2021 as per law along with the documents filed/uploaded on 27.07.2021.

For Petitioner : Mr. S. Kamalesh Kannan

For Respondents : Mr. Mohammed Fayaz Ali
Standing counsel - R1 & R2



ORDER

The relief sought in this writ petition is to issue a mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 26.07.2021 (uploaded on 27.07.2021) along with the documents filed on 27.07.2021 and process their e-tender bid, as per law.

2. It is the case of the petitioner that on 30.04.2021, the first respondent invited tender for filling Servo Lubricant in small packs ranging from 175ml to 2.5 Lites in HDPE Container and supply of filled product (in cartons) to lube marketing terminal, Madhavaram, Chennai/Lube blending plant, Chennai. While inviting such tender, one of the mandatory conditions imposed is that the tenderer should possess consent letter from the Tamil Nadu Pollution Control Board. According to the petitioner, such a condition was not imposed by the first respondent in the previous tenders floated and the same was presently introduced for the first time. Pursuant to the same, the petitioner submitted an application seeking consent from the Pollution Control Board on 07.05.2021. However, due to lock down announced by the Government on account of covid -19 pandemic situation, the office of the Tamil Nadu Pollution Control Board was closed and therefore, the petitioner could not obtain the requisite consent and enclose it along with the tender application. After release of lock down, the petitioner obtained necessary consent from the Board on 11.07.2021. In the mean while, the first respondent sent a communication dated 20.07.2021, calling upon the petitioner to produce the required documents. Accordingly, the petitioner submitted all the necessary documents to the first respondent on 27.07.2021 along with a representation seeking to consider the same, as per law. However, apprehending that the required documents subsequently, submitted by the petitioner on 27.07.2021, may not be considered by the first respondent, the present writ petition came to be filed for the aforesaid relief.

3. The learned counsel appearing for the petitioner submitted that the petitioner furnished all the necessary documents as called in the tender notification and hence, appropriate direction be issued to the first respondent to consider the same and pass orders, before finalising the tender.

4. On the other hand, the learned counsel appearing for the respondents submitted that the subject tender process is pending for technical evaluation and the petitioner's bid would be considered, according to the terms and conditions of the tender.



5. Considering the facts and circumstances of the case, more particularly that the petitioner produced all the documents including the consent from the Pollution Control Board and the tenders received are pending for technical evaluation, this court is of the view that there is no impediment for the respondents to consider the petitioner's bid, in the light of the documents furnished and in accordance with the terms and conditions of the tender. Except the same, no further orders need be passed in this writ petition.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

msr

To

1.The General Manager,
Marketing Division,
Indian Oil Corporation Limited.,
139, Nungambakkam High Road,
Chennai 600 034.

2.Deputy General Manager,
Tender Inviting Authority,
Indian Oil Corporation Limited,
139, Nungambakkam High Road,
Chennai 600 034.

+1cc to Mr.S.Kamalesh Kannan, Advocate Sr No.51035

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RP (CO)
PR (01/10/2021)