



WEB COPY



W.P.No. 5138 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.12.2022**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 5138 of 2018

M/s. Ace Integrated Solutions Limited
Represented by
Mr. Chandra Shekhar Verma
S/o. Late Sh. S.C. Verma,
Managing Director,
Having its Registered Office
B-13, DSIDC Complex, Functional Industrial Estate,
Industrial Area Patparganj,
New Delhi – 110 092.

... Petitioner

Vs

Food Corporation of India Limited,
Regional Officer (Tamil Nadu),
No. 8, Mayor Athyamoorthy Road,
Chetpet, Chennai – 600 006

.... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Declaration, to declare that Clause 13.2 of Tender Reference No. E.I/1(2)/2016-CLASS IV APPT dated 11.11.2016 (bid document for engagement of a recruitment agency) as null and void as it is against the law of contract time being in force and consequentially cancel the impugned order dated 08.02.2017 passed by the respondent in No.E.I/1(2)/2016-CLASS IV APPT and directing the respondent to refund the attached amount of EMD paid by the petitioner in both the tenders for the subsequent payment.

For Petitioner : M/s.A.R. Nixon
For Respondent : M/s. G. Narmatha
for Mr. S. Vijaya Kumar (FCI)



W.P.No. 5138 of 2018

ORDER

WEB COPY

The writ petition has been filed in the nature of declaration that Clause 13.2 of the Tender Reference, which was dated 11.11.2016, as null and void and as against the law of contract and to cancel the impugned order dated 08.02.2017 and also to refund the Earnest Money Deposit paid by the petitioner.

2. The petitioner had participated in an enquiry invited by the respondent/Food Corporation of India on 02.12.2016. This was pursuant to an earlier notification dated 11.11.2016. The petitioner had deposited a sum of Rs. 50,000/- as Earnest Money Deposit.

3. The petitioner claims that there was a clerical mistake in submitting the forms and consequent to that, though a representation was given by the petitioner seeking permission to rectify the clerical mistake, the respondent had declared that the petitioner as ineligible to participate in the tender and further had taken a step to black list the petitioner for a period of five years. The period of black listing is now over.



W.P.No. 5138 of 2018

4. The petitioner may therefore give necessary representation to the respondent that the EMD, which they had paid for a sum of Rs. 50,000/- may be returned back to them and then the respondent may take a decision in accordance with the rules and regulations.

5. The petitioner may also give a representation that the black listing period of five years is over and therefore the petitioner may be permitted to participate in the future tenders invited by the respondent.

6. If the representation is given by the petitioner, I am confident that the respondent would apply their mind and pass necessary orders within a stipulated period of time. Though the orders passed is not in conformity with the relief sought, the writ petition stands disposed of. No costs. Consequently, connected W.M.P.No. 6307 of 2018 is closed.

20.12.2022

Index: Yes/no
mrn



W.P.No. 5138 of 2018

To
The Regional Officer (Tamil Nadu),
Food Corporation of India Limited,
No. 8, Mayor Athyamoorthy Road,
Chetpet, Chennai – 600 006



WEB COPY



W.P.No. 5138 of 2018

C.V.KARTHIKEYAN, J.

(mrn)

W.P.No. 5138 of 2018

20.12.2022