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W.P.No.26971 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.26971 of 2015

&

M.P.Nos. 1, 2 & 3 of 2015

M/s. Vendere Sales Services (India) Ltd.,
H5/40, MIDC, Chikalthana,
Aurangabad 431 006.
Rep. by its General Manager

...Petitioner

Vs.

1.The Tamil Nadu Transmission Corporation Ltd.,
6th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai – 600 002.
Rep by its Chairman.

2.The Chief Engineer, (Transmission),
The Tamil Nadu Transmission Corporation Ltd.,
6th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai – 600 002.

3.M/s. SERGI Transformer Explosion Prevention,
Technologies Pvt. Ltd.,
47, 48 & 71, first floor, Sector 16B,
Pocket b, Dwarka, Phase II,
New Delhi 110 075.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 2nd respondent herein in No.CE/TR/SE/TR-III/EE400 KV/A1/F.SERGI/14 D635 dated 13.2.2015 and quash the same and direct the respondents 1 and 2 herein to take appropriate action against the 3rd respondent herein for the breach of the conditions contained in the tender and the purchase order dated 23.6.2012 and float a fresh tender for supply, installation and commissioning of 12 numbers Transformer Explosion and Fire Prevention System by injecting nitrogen gas at Sunguvarchatram 400 KV Sub Station in accordance with the provisions of the Tamil Nadu Transparency of Tenders Act, 1998.

For Petitioner : M/s. AL.Gandhimathi

For Respondents : Ms.J.Swetha
for Mr.D.R.Arun Kumar [for R1 & R2]

Mr.Niranjan Rajagopal
for G.R. Associates [for R3]

ORDER

Heard Mrs.Gandhimathi, learned counsel for the petitioner, Ms. Swetha, learned counsel for 1st and 2nd respondent and Mr.Niranjan Rajagopalan for the 3rd respondent.

2. The challenge in this Writ petition is for issuance of Writ of certiorarified Mandamus calling for and quashing of records of the 2nd respondent, being the Chief Engineer (Transmission), Tamil Nadu Transmission Corporation Limited order dated 13.02.2015.



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3. The challenge has been laid on behalf of the petitioner/Company that had participated in the tender floated by the 2nd respondent for supply, installation and commissioning of 12 numbers of Transformer Explosion and Fire Prevention System by injecting nitrogen gas at Sunguvarchatram 400 KV Sub Station.

4. The challenge is really irrelevant at this juncture, on account of elapse of time and pendency of the Writ petition from 2015 onwards. At the time of admission, on 28.08.2015, this Court, while directing completion of pleadings, has recorded as follows:

“ 3.Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioner would point out that the supply of transformer explosion and fire prevention system shall be supplied and installed by the third respondent, within a period of four months from the date of receipt of a copy of the purchase order, whereas, the purchase order is dated 23.06.2012 and so far, the third respondent has not supplied the materials. Only on 13.02.2015, the second respondent permitted the third respondent to supply a different product namely GK5000 instead of S3000 that too manufactured by a third party, which is contrary



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to Section VI and Clause 1.2 of the conditions of the Tender, by which, 'single bidder responsibility' was fixed.

4. Prima facie, it appears that, the time schedule has not been complied with and the 'single bidder responsibility' has not been followed and even the product is sought to be changed, which is also manufactured by a third party.

5. In view of the above, there shall be an order of interim injunction as prayed for in M.P.No.2 of 2015 in W.P.No.26971 of 2015. ”

5. By virtue of the interim injunction and when the matter came up for completion of pleadings on 29.11.2022, my predecessor had recorded as follows:

“ The learned counsel appearing for the respondents submitted that the products which are sought to be purchased, have become obsolete and new technology has been developed. Whether the Tamil Nadu Electricity Board is willing to go for the same products or give up the tender process. If they are giving up the tender process, there is no case, whereas the learned counsel appearing for the respondents would submit that the TNEB wants to proceed on the products which



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were originally sought to be required through tender. In this regard, the respondent is directed to file an affidavit on or before 14.12.2022. ”

6. Thereafter, when the matter came up on 14.12.2022, an affidavit had been filed by the respondent to the effect that the technology of injecting Nitrogen gas into Transformers is still in vogue. In light of this statement by the official respondent, learned counsel for 3rd respondent had sought time to obtain instructions, whether it was still willing to proceed with the tender, subject to the decision to be taken by the Court in this Writ petition.

7. Learned counsel for the 3rd respondent confirms today that the 3rd respondent is unwilling to effect supply under the tender, since the products have dismantled. In light of the same, and by efflux of time, the tender floated by the official respondent, is not relevant any longer. The petitioner too does not pursue the challenge any longer.

8. Accordingly, this Writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2022

mpl

Index : Yes/No

Speaking Order/Non speaking Order



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To

1. The Tamil Nadu Transmission Corporation Ltd.,
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Chennai – 600 002.
Rep by its Chairman.
2. The Chief Engineer, (Transmission),
The Tamil Nadu Transmission Corporation Ltd.,
6th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai – 600 002.
3. The Deputy Director of Town Planning,
Town and Country Planning Authority,
No.6. Sannadhi Street,
Subramani Nagar, Salem - 5.



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DR.ANITA SUMANTH,J.
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