



WEB COPY



W.P.No.12259 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.12259 of 2022 &
W.M.P.No.11719 of 2022

SM3 Quality Chemicals
Rep. by its Partner M.Lalit Kumar
Factory Hall-17, SDF Building,
KSIDC Investment Zone,
Palakkad-678 621, Kerala.

... Petitioner

Vs

1.Integral Coach Factory
Rep. by its Principal Chief Material Manager
Administrative Building,
Integral Coach Factory,
Chennai-600 038.

2.Aleena Commercial Private Limited
Budherhat Road, New Garia,
Pancha Sayar,
Kolkata,
West Bengal-700 094.

3.Surface Paints Private Limited,
Lucknow Sitapur Road,
Vilalge Navi Kot Nandana Bakshi Ka Talab,
Lucknow,
Uttar Pradesh-227 202.

... Respondents



W.P.No.12259 of 2022

PRAYER: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus Calling for the records and quash the impugned Tabulation Statement of Financial Bids with Tender No.06221326 with closing date 22.04.2022 issued by the first respondent in ranking the petitioner as L3 and to consequently direct the first respondent to award work to the petitioner as per the Tender Document dated 01.04.2022 being the only qualified person.

For Petitioner : Mr.Karthik Ranganathan

For Respondent : Mr.R.Sankaranarayanan,
Additional Solicitor General,
Assisted by
Mrs.Aswini Krishna Ravi,
Central Government Standing Counsel

ORDER

The petitioner has challenged the ranking of the petitioner as L3 in the impugned statement of financial bids of the first respondent.

2. According to the petitioner, the action of the first respondent in shortlisting the respondents 3 & 2 as L1 & L2 respectively in the impugned statement of financial bids which would deprive the petitioner of its



W.P.No.12259 of 2022

legitimate allotment of maximum trains is arbitrary and against the very conditions putforth in the tender document.

3. A counter affidavit has been filed by the first respondent wherein it has been categorically stated that the petitioner was not the lowest bidder among the three final bidders and the financial tabulation statement in ascending order is prepared by the IREPS based on the bid values submitted by the respective bidders and the first respondent herein has no role in the said preparation. It is also stated that the subject tender is still under evaluation.

4. Heard Mr.Karthik Ranganathan, learned counsel for the petitioner and Mr.R.Sankaranarayanan, learned Additional Solicitor General assisted by Mrs.Aswini Krishna Ravi, learned Central Government Standing Counsel appearing for the first respondent.

5. On a perusal of the counter affidavit filed by the first respondent, it is clear that the petitioner has approached this Court prematurely before any



W.P.No.12259 of 2022

decision has been taken by the first respondent with regard to technical and financial bids submitted by the petitioner and other bidders.

6. This Court by its order dated 06.05.2022 had directed the first respondent to maintain Status Quo. Since no decision has been taken by the first respondent with regard to the petitioner's technical and financial bid in view of the Status Quo order, the Status Quo order granted by this Court shall not be allowed to continue. Further the first respondent has also observed in the counter that the the petitioner's as well as the other bidders' technical bids have not been evaluated and tender No.06221326 which is the subject matter of this writ petition is still under technical evaluation and no final decision has been taken by the first respondent with regard to the technical bids. Since no final decision has been taken by the first respondent on the technical evaluation of the bidders as observed earlier, this writ petition has been filed prematurely.

7. For the foregoing reasons, this writ petition is **disposed of** by granting liberty to the petitioner, in case, he is aggrieved by any final



W.P.No.12259 of 2022

decision taken by the first respondent with regard to their technical bid to challenge the same in the manner known to them under law. No costs.

Consequently, connected miscellaneous petition is closed.

8. The interim status quo granted earlier vide order dated 06.05.2022 shall stand vacated and the first respondent is at liberty to proceed with the tender.

20.07.2022

nl

To

1. Integral Coach Factory
Rep. by its Principal Chief Material Manager
Administrative Building,
Integral Coach Factory,
Chennai-600 038.

2. Aleena Commercial Private Limited
Budherhat Road, New Garia,
Pancha Sayar,
Kolkata,
West Bengal-700 094.

3. Surface Paints Private Limited,
Lucknow Sitapur Road,
Vilalge Navi Kot Nandana Bakshi Ka Talab,
Lucknow, Uttar Pradesh-227 202.

5/6



WEB COPY



W.P.No.12259 of 2022

ABDUL QUDDHOSE, J.
nl

W.P.No.12259 of 2022

20.07.2022