



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **16.12.2022**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 33892 of 2022

And

W.M.P.No. 33375 of 2022

SRM Transports
Rep. by its Proprietor
K.Selvaraj,
S/o. Kumarasamy
No.6/1188-D, Anna Nagar
Paramathi Road, Namakkal.

... Petitioner

..Vs..

The Chief Manager Transport (Retail) South
Bharath Petroleum Corporation Limited
No.1, Ranganathan Gardens
Off: 11th Main Road, Anna Nagar
Chennai – 600 040.

... Respondent

PRAAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus forbearing the respondent from proceeding with the tender notification in No. BPCL/SR/KARUR/POL/BULK/2022-27-01 dated 28.10.2022, schedule to be open on 16.12.2022 until taking a final decision on the representation of the petitioner dated 08.12.2022, sent through email and post for continuing with the existing contractors.

For Petitioner

:: Dr. K.A.Mariappan



For Respondent

:: Mr. M.Vijayan
for M/s. King and Partridge**ORDER**

A tender was fixed at 03.00 p.m., today. Permission was sought to move the present Writ Petition as a Lunch Motion. Permission was granted.

2. Heard the learned counsel for the petitioner and also the learned counsel for the respondent, who was informed that the writ petition is being moved and is present today.

3. The Writ Petition has been filed in the nature of Mandamus forbearing the respondent / Bharath Petroleum Corporation Limited from proceeding with the tender notification No. BPCL/SR/KARUR/POL/BULK/2022-27-01 dated 28.10.2022, which is scheduled to be opened at 3 p.m. today ie., on 16.12.2022. The time now is 14.35 hours and it gives a very short time to take a decision on the Writ Petition.

4. The petitioner had given a representation on 08.12.2022, though the notification was as early as on 28.10.2022. The petitioner was an existing contractor, who was a transport operator. They own



tanker lorries and transport petroleum products from the respondent to various places. The petitioner was a successful bidder and was recognised as a transport contractor for five years.

5. The grievance is that during the Covid-19 period, the petitioner could not do sufficient business as was expected to extend the contract period for a further period of two years from five years. A request is also made that they can run the transport at a lesser price than the lowest price in the tender notification of Rs.150/- and the highest at Rs.165/-. The petitioner claims that he would run the transport at Rs.136/-.

6. However, the tender process has commenced. The tender process has to move forward and has to be completed. The petitioner had participated in the tender. It would be extremely inappropriate on the part of this Court to now to interfere to the disadvantage to other participants. The interest of all those who have bid and are expecting the bids to be opened up at 3 p.m., will have to be taken into consideration. Therefore, let the tender process be completed. The bid may be opened and if the petitioner bid is found to be the best offer, I am confident that it would be so recognised by the respondent. If there is any other better bid, then the respondent will naturally have to hold them as the successful bidder.



C.V.KARTHIKEYAN, J.,

vsg

7. The Writ Court cannot interfere in issues relating to contract or with issues relating to tenders with commercial interest.

8. The Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

16.12.2022

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order
To

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