



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.1878 of 2023

and

W.M.P.Nos.1983 & 1985 of 2023

M/s.P.C.S.Transports,
Rep.by its Managing Partner P.Chandrasekaran,
Opp.Murugan Kovil,
1A, Mayampillaiyar Kovil Road,
Salem Road,
Namakkal – 637 001.

.. Petitioner

Vs.

1.M/s.Indian Oil Corporation Limited,
Rep.by Chief General Manager,
Operations Department,
Tamil Nadu State Office,
Indian Oil Bhavan,
139, Uthamar Gandhi Road (Nungambakkam High Road)
Chennai – 600 034.

2.The Operations Officer (Terminal),
M/s.Indian Oil Corporation Limited,
Asanur Terminal,
Sy No.365/4(Part), SIDCO Industrial Estate,
Asanur Village,
Ulundurpet Taluk,
Kallakurichi – 606 305.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records and to quash the impugned e-mail rejection order dated 21.01.2023 passed by the 2nd respondent and consequential direction directing the 1st respondent to extend the time till 26.02.2023 for producing Tank Trucks for physical inspection by considering the representation dated 20.01.2023 given by the petitioner.

For Petitioner

.. Mr.B.Kumar, Senior Counsel

for Mr.R.Anbukarasu

For Respondents

.. Mr.Mohammed Fayaz Ali,
Standing Counsel

ORDER

The petitioner had been declared as the lowest bidder in a tender forwarded by the 1st respondent for providing Tank Trucks for transportation purpose. It is stated by the learned Senior Counsel for the petitioner, that the petitioner has already taken such transportation work for Bharat Petroleum Corporation Limited. The petitioner was under an obligation to get No Objection Certificate from the Bharat Petroleum Corporation Limited. The petitioner had obtained the No Objection



Certificate, but a condition was placed by the Bharat Petroleum Corporation Limited that the petitioner should replace the trucks. The petitioner was therefore put under necessity to purchase five new tank trucks and also to modify the body of the trucks.

2. In the meanwhile, an e-mail emanated from the 2nd respondent which was very cryptic in nature and the same is as follows,

“Sir,

Not possible. No extension of time will be given in any case.

Please abide by the tender terms and conditions.

Regards,

Himanshu Nigam

Operations Officer (Terminal)

Asanur Terminal

Indian Oil Corporation Limited”

3. Even if this could be termed a reply to a representation given by the petitioner, such representation should have been dealt with in manner known to law with proper opportunity being given and stating the reasons why the representation is rejected. Sending a reply by a few cryptic words to form a sentence without conveying any specific meaning cannot be appreciated.



4. Every official communication has a sanctity attached and it goes with the responsibility of the officer, who issues such official communication.

5. The impugned communication is set aside.

6. This order is passed in the presence of Mr. Mohammed Fayaz Ali, learned Standing counsel for the respondents.

7. The petitioner may directly approach the 1st and 2nd respondents and give a representation and let necessary orders be passed in accordance with the terms of Letter of Appointment of the petitioner herein by a proper authority giving proper reasons. If the petitioner is able to supply the tank trucks, then the respondents would not incur further expenses by calling for a fresh tender and they may also take note that particular fact while passing any order.

8. With the above observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.01.2023

Index: Yes/No
Internet: Yes/No
smv



To

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2. The Operations Officer (Terminal),
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C.V.KARTHIKEYAN,J.

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