



W.P.No.6895 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6895 of 2023

and W.M.P.Nos.6993, 6995, 6996, 6997 of 2023

M/s.Sri Vaari Roadways,
Represented by its Proprietor,
G.Kalanidhi,
Old No.5, New No.7, Pattabiraman Street,
Kondithope, Chennai-600 -079

.. Petitioner

Vs.

1. The Chief General Manager,
Operations Department,
Tamil Nadu State Office,
Indian Oil Bhavan, No.139, Uthamar Gandhi Road,
Chennai-600 034.
2. The General Manager (Contract Cell) SRO,
Tamil Nadu State Office,
Indian Oil Bhavan,
No.139, Uthamar Gandhi Road,
Chennai-600 034.
3. The Chief Terminal Manager,
Indian Oil Corporation Ltd,
Irugur, Coimbatore Terminal,
Coimbatore-600 103.

.. Respondents



W.P.No.6895 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other Writ order or direction calling for the records relating to cancellation of Letter of Acceptance having Ref.No.TNSO OPS/Coimbatore POL/TRTR/4149/2022-23/841070, dated 13.12.2022 issued by the 1st Respondent by cancelling the Letter of Acceptance SRCC/PT/186/TNSO/2021-22/LOA-1 dated 08.08.2022 issued in favour of the Petitioner and permit the Petitioner to perform the obligation as agreed in terms of the Letter of Acceptance dated 08.08.2022.

For petitioner : M/s.A.Govindaraj
for M/s.C.Uma

For Respondents : Mr. Mohammed Fayaz Ali,
: Standing Counsel

ORDER

This Writ Petition has been filed assailing the cancellation of Letter of Acceptance dated 08.08.2022 vide the impugned order dated 13.12.2022 which was passed by the 1st respondent and for a direction to the 1st respondent to restore the Letter of Acceptance which was issued in favour of the petitioner and permit the petitioner to perform the obligation as agreed in terms of the Letter of Acceptance dated 08.08.2022.



W.P.No.6895 of 2023

2. Mr.Mohammed Fayaz Ali, learned Standing Counsel

appearing for the respondents takes notice for the respondents.

3. It is the case of the petitioner that the Petitioner is the successful bidder in the E-tender called for by the Respondents Oil Corporation, pursuant to which, a Letter of Acceptance dated 08.08.2022 was issued by the 1st Respondent for two Tank Trucks bearing registration numbers TN09CX830 and TN09CX2918 on condition that the petitioner shall produce the Tank Trucks for physical verification within 30 days from the date of Letter of Acceptance and as per the same, payments were made by the petitioner in favour of Indian Oil Corporation Ltd. On the date of physical verification, only one Truck was produced, however, due to unforeseen circumstances, the other truck could not be produced and the same was produced two days later from the date of physical verification, due to which, the 1st Respondent had cancelled the Letter of Acceptance vide the present impugned order. Though the petitioner made representations before the Respondents seeking revocation of the cancellation order, however, the same was not considered, which resulted in filing of this Writ Petition.



W.P.No.6895 of 2023

WEB COPY

4. Learned counsel appearing for the petitioner submits that due to some unforeseen circumstances, other truck was produced two days later from the date of physical verification. However, a mere delay of two days in producing the Tank Truck cannot be the basis for cancelling the Letter of Acceptance which was issued in favour of the petitioner. Therefore, the said delay of two days may be condoned by the respondents and the impugned order passed by the respondents may be revoked.

5. On the above contention, this Court heard the learned standing counsel appearing on behalf of the respondents and perused the materials available on record.

6. It is the admitted case of the petitioner that there was a delay of two days in producing one of the Tank Trucks for physical verification from the date of Letter of Acceptance as per the conditions prescribed therein. Though the petitioner claims that the delay can be condoned by the respondents, however, the fact remains that the petitioner has not fulfilled the terms of the Letter of Acceptance and therefore, it is well within the



W.P.No.6895 of 2023

domain of the respondents to cancel the tender. In such view of the matter, this Court is not inclined to interfere with the impugned order. However, in order to avoid prejudice that would be caused to the petitioner, the respondents are directed to return the Earnest Money Deposit, which was paid by the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. For the reasons aforesaid, this Writ Petition is devoid on merits and accordingly the same is dismissed with the above direction . There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stands closed.

08.03.2022

nhs

Index : Yes / No

Internet : Yes / No



WEB COPY



W.P.No.6895 of 2023

M.DHANDAPANI, J.

NHS

To

1. The Chief General Manager,
Operations Department,
Tamil Nadu State Office,
Indian Oil Bhavan, No.139, Uthamar Gandhi Road,
Chennai-600 034.
2. The General Manager (Contract Cell) SRO,
Tamil Nadu State Office,
Indian Oil Bhavan,
No.139, Uthamar Gandhi Road,
Chennai-600 034.
3. The Chief Terminal Manager,
Indian Oil Corporation Ltd,
Irugur, Coimbatore Terminal,
Coimbatore-600 103.

W.P.No.6895 of 2023

08.03.2022