



WEB COPY

WP No.25603 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.25603 of 2014

And

MP No.1 of 2014

M/s.Purple Infotech Ltd.,
Represented through
The Manager (Net Work),
Mr.L.Sampathkumar,
S/o.D.Loganathan,
Plot No.1046-H Block,
27th Street, 6th Avenue,
Anna Nagar,
Chennai-600 040.

... Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu,
Chennai-600 004.

2.The Additional Director General of Police,
Head Quarters,
Chennai-600 004.



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3.The Additional Director General of Police,
Technical Services,
Chennai-600 004.

4.The Inspector General of Police,
Technical Services,
Chennai-600 004.

5.The Deputy Inspector General of Police,
Technical Services,
Chennai-600 004.

6.The Superintendent of Police,
Technical,
Chennai-600 004.

7.The Additional Deputy Superintendent of Police,
Technical Projects,
Chennai-600 004.

8.The Wireless Monitoring Organisation,
Southern Regional Wireless Monitoring Headquarter
(SRHQ), IMS Campus,
Kandanchavadi,
Chennai-600 096.

9.The Wireless Planning and Coordination Wing (WPC),
Regional Licensing Office, Chennai,
IMS Campus,
Perungudi,
Chennai-600 096.

10.The HDFC Bank Ltd.,
Raja Annamalaipuram Branch,
Chennai-600 028.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the first respondent in Rc.No.MPF/PTB/24474/2010 dated 10.09.2014 and quash the same.

For Petitioner : Mr.K.Suthan for M/s.Ahmad Associates.

For Respondents-1 to 7 : Mr.J.Ravindran,
Additional Government Pleader
Assisted by Mr.P.Sanjay Gandhi.

For Respondents-8 and 9 : No Appearance

For Respondent-10 : Mr.C.Mohan for
M/s.King and Patridge.

ORDER

The order passed by the first respondent-Director General of Police in proceedings dated 10.09.2014 is sought to be quashed in the



present writ petition.

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2. The petitioner-Company is M/s.Purple Infotech Limited participating in the process of Tender and was selected. An agreement was entered into between the Police Department and the petitioner could not complete the project within the scheduled time as agreed between the parties.

3. The learned Additional Advocate General appearing on behalf of the State brought to the notice of this Court that project would have been completed within 180 days from the date of issue of the purchase order i.e., on or before 08.09.2012. However, the petitioner-Company had not completed the project within the scheduled time and had committed default.

4. Considering the case of the petitioner, the respondents have extended time on four occasions and in spite of the extensions granted, the petitioner-Company had failed to complete the project and thus the



respondents issued the final show cause notice on 07.08.2014. The petitioner-Company submitted their explanations, which was not accepted by the respondents and consequently the purchase order issued in favour of the petitioner-Company was cancelled and the contract was terminated and the Bank Guarantee was also forfeited.

5. The dispute regarding the contractual obligation between the parties cannot be adjudicated in the writ proceedings under Article 226 of the Constitution of India.

6. The power of judicial review under Article 226 of the Constitution of India is to ensure the processes through which a decision is taken by the Competent Authorities in consonance with the Statute and the Rules in force, but not the decision itself. Therefore, the procedures followed in the present writ petition reveal that an opportunity was given to the petitioner-Company to fulfil their contractual obligations.

7. It is contended that four extensions were granted and in spite of that the petitioner-Company failed to complete the project. The project



being public nature and the public interest involved, the Competent Authorities are not expected to show any leniency. All such public projects are to be implemented within the time limit in the interest of public. Since the public funds are involved, the belated implementation would result in escalation in costs, which would affect the public interest. Thus all these facts are to be taken into consideration and in the present case, the Director General of Police had given four extensions, which itself is the concession granted to the writ petitioner-Company and even thereafter the petitioner-Company had not completed the project.

8. Thus this Court do not find any reason to interfere with the order impugned dated 10.09.2014 passed by the respondent and consequently, the writ petition stands dismissed. However, there shall be no order as to costs. The connected miscellaneous petition is also dismissed.

9. In view of the fact that the present writ petition has been dismissed, the first respondent-Director General of Police is bound to invoke the Bank Guarantee made with the tenth respondent and the tenth respondent shall immediately release the funds to the State Account. In this



regard, the Director General of Police shall make a request to the tenth respondent.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The Director General of Police,
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Chennai-600 004.
- 2.The Additional Director General of Police,
Head Quarters,
Chennai-600 004.
- 3.The Additional Director General of Police,
Technical Services,
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- 4.The Inspector General of Police,
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- 5.The Deputy Inspector General of Police,
Technical Services,
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