



WP.No.1801 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.1801 of 2024
& WMP.Nos.1861, 1862 and 1863 of 2024

Mohit Minerals Ltd.,
7/23, Ind. Area, Kriti Nagar,
Near Under Pass, New Delhi – 110 015
represented by its Authorised Signatory
Ms.Aravinda Natram

... Petitioner

Vs.

NTPC Tamilnadu Energy Company Limited
Vallur Thermal Power Project,
Vellivoyal Chavadi, Ponneri Taluk,
Thiruvallur, Tamil Nadu – 600 013.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records contained in impugned email dated 20.01.2024 issued by the respondent to the petitioner and to quash the same as arbitrary, illegal and unjust, and to consequently direct the respondent to accept the petitioner's bid in respect of the bidding document No.NTCEL/C&M/CB/CS-5548 dated 28.11.2023.



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For Petitioner : Mr.R.Parthasarathy, Senior Counsel
for Mr.Arun Karthik Mohan

For Respondent : Mr.M.Vijayan
for M/s.King and Patridge

ORDER

No counter is filed in the matter. Mr.Vijayan, learned counsel appearing for the respondent, ie., NTPC Tamilnadu Energy Company Limited would however, confirm the following facts:

- i) The assessment of technical bids of the tenderers is under process.
- ii) The representation of the petitioner dated 21.01.2024 under cover of e-mail of even date is admittedly pending (pages 333 to 336 and annexures).

2. In light of the aforesaid, there is no necessity for this Court to consider the merits or demerits of the petitioner's technical bid as such consideration would fall entirely within the domain of the Tender Inviting/Accepting Authority, being the sole respondent.

3. The impugned order dated 20.01.2024 is one where the petitioner's bid has not been admitted. However, that does not denote any finality, as under that order, the petitioner has also been asked to get in touch with the Tender Inviting Authority, i.e., respondent herein.



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4. Hence, it is apparent that the respondent has not made up its mind in regard to the eligibility or otherwise of the petitioner and matters are still at large. For the aforesaid reasons, there is no necessity to intervene in the impugned order.

5. While sustaining the same, it would suffice to record the submissions of the respondent that the representation of the petitioner dated 21.01.2024 will be disposed in accordance with law and in light of the tender Regulations, after hearing the petitioner, prior to finalizing the list of technically eligible/qualified bids.

6. This Writ Petition is disposed in terms of this order. No costs. Connected Miscellaneous Petitions are closed.

13.02.2024

Index : Yes / No
Speaking order
Neutral citations: Yes
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To

NTPC Tamilnadu Energy Company Limited
Vallur Thermal Power Project,
Vellivoyal Chavadi, Ponneri Taluk,
Thiruvallur, Tamil Nadu – 600 013.



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Dr.ANITA SUMANTH,J.

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