



W.P.Nos.8807 & 1370 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos.8807 and 1370 of 2024

and

W.M.P.Nos. 9307, 1401 and 1402 of 2024

P.Ramaiah Thevar

.... Petitioner in both WPs

Vs

1.Airports Authority of India

Rep. By its Director,
Chennai Airport, Airport Road,
Meenambakkam, Chennai,
Tamil nadu – 600 027.

2.The AAI Cargo Logistics & Allied

Services Company Ltd.,
Rep. By its Regional Manager,
AAICLAS, Chennai Airport,
Airport Road, Meenambakkam,
Chennai, Tamil Nadu- 600 027.

.... Respondents in both WPs

Prayer in W.P.No.8807 of 2024: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to finalise and issue award in respect of the Tender Reference No.AAILAS/MAA/3309/2023 dated 12.12.2023 in favour of the petitioner being a successful bidder bearing BID No.649478 by



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considering the representation of the petitioner dated 15.03.2024 within a time stipulated by this Court.

Prayer in W.P.No.1370 of 2024: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in No.AAICLAS/CHQ/OMEGA/2024/1157 dated 17.01.2024 and quash the same and consequently direct the 2nd respondent to extend the contract of the petitioner for the License for Management of Vehicle Parking Services at the Integrated Air Cargo Complex and Allied Areas, AAICLAS, Chennai Airport for a further period of 3 years viz., till 02.03.2026 in consonance with the terms of Commercial Circular No.26/2020 dated 09.12.2020 of the 1st respondent.

For Petitioner : Mr.P.H.Arvind Pandian,
Senior Counsel,
for Mr.C.Kasirajan
(in W.P.No.8807 of 2024)

Mr.K.N.Arun Prasad
(in W.P.No.1370 of 2024)

For Respondents : Mr.Rajkumar Jhabakh
(in both writ petitions)

COMMON ORDER

Mr.Raj Kumar Jhabakh, learned counsel accepts notice for the respondents and is armed with instructions to enable a final disposal of these Writ Petitions, even at this stage.



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2. The petitioner claims to have been successful in a tender notice dated 06.12.2019 for Management of Vehicle Parking Services at Integrated Air Cargo Complex and Allied Areas, AAICLAS, Chennai Airport. The tender is for a period of three years with a possible extension of another three years. There were no orders passed on completion of the first term of three years, in view of the covid pandemic and the petitioner was permitted to continue the service till date.

3. Learned counsel for the respondents draws attention to communication dated 20.03.2024 conveying that the competent authority has accorded approval for extension of licence for management of vehicle parking services for a further period of three months from 21.03.2024 to 20.06.2024 or till award of fresh contract, whichever is earlier.

4. The petitioner has been granted an extension till 20.06.2024 upon condition that it extends the bank guarantee with revised amount and revised validity for a further period of twelve months, within 10 days from date of issue of that letter. The Court is unaware as to the status of compliance with the conditions set out in letter dated 20.03.2024.

5. Be that as it may, the respondents had issued a tender notification on 12.12.2023, which had been challenged by this Writ



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Petitioner in W.P.No.1370 of 2024, wherein no interim order has been granted and hence the petitioner has participated in that tender.

6. Since the prayer in W.P.No.1370 of 2024 is now rendered infructuous, the said Writ Petition is listed under the special list today and Mr.K.N.Arun Prasad, learned counsel appears for the petitioner and prays that W.P.No.1370 of 2024 be closed as infructuous. Hence, W.P.No.1370 of 2024 is closed as infructuous.

7. The petitioner's bid was subject to scrutiny and its technical bid was opened on 27.12.2023. On 05.02.2024, the petitioner's technical bid is stated to have passed muster. My attention is drawn to the screen shot taken from the Government eProcurement System, placed at page 119 of the typed set, which sets out the tender summary reports.

8. The field relating to Financial Bid Opening Summary states that the financial bid has been opened and is being put up for the decision of the competent authority on 05.02.2024 at 5.43 p.m. Thus, the assumption that the petitioner is the only competent bidder which has passed muster on both technical as well as financial bids.

9. The aforesaid factual details have been captured by me solely by way of completion of narration. As the petitioner has, in fact, made a representation on 15.03.2024, where it has requested the competent



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authority to finalise and award the tender to it, and seeing as the decision to award the tender would fall entirely within the domain of the respondents, this Court is not inclined to issue any positive direction in this regard.

10. Suffice it to issue mandamus to R2 to finalise the bid expeditiously in accordance with the tender conditions and having regard to the sequence of events that have transpired in this matter.

11. Let a decision be taken on the petitioner's representation, after hearing the petitioner, in accordance with law and tender conditions, within a period of two (2) weeks from date of receipt of a copy of this order.

12. W.P.No.8807 of 2024 is disposed in the aforesaid terms. No costs. Connected Miscellaneous Petitions are closed.

S1
Index:Yes/No
Speaking order
Neutral Citation:Yes

28.03.2024



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Dr.ANITA SUMANTH,J.

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To

- 1.The Director,
Airports Authority of India
Chennai Airport, Airport Road,
Meenambakkam, Chennai,
Tamil nadu – 600 027.
- 2.The Regional Manager,
The AAI Cargo Logistics & Allied
Services Company Ltd.,
AAICLAS, Chennai Airport,
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