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W.P.No.9483 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.9483 of 2024
and
W.M.P.Nos.10481 & 10482 of 2024

G.R.Subramaniyan

... Petitioner

Vs.

Indian Oil Corporation Limited,
Marketing Division,
Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai – 600 034.
Represented by its Deputy General Manager (Contracts)

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus calling for the records of the respondent leading to issuance of impugned orders dated 21.03.2024 and 01.04.2024 (*Vide* E-Tender ID: 2023_SROTN_169616_1, Tender Reference No. SRCC/PT/091/SRO/LBP/2023-24) and quash the same and direct the respondent to consider the petitioner's bid dated 09.09.2023 for the Transportation of Packed Lube Oil/Greases/Additives/DEF/Ex LBP, Chennai/CIP, Madhavaram and Ex SCFP, Tadepalli through ISO Containerized Trucks.

Page No.1 of 6



W.P.No.9483 of 2024

For Petitioner : Mr.Vijay Narayan,
Senior Counsel
For Mr.KMC.Arunmoka

For Respondent : Mr.Mohamed Fayaz Ali
Standing Counsel for IOC

ORDER

The writ petitioner participated in the process of tender based on the tender notification issued by the respondent/Indian Oil Corporation. Technical Bid was opened and the respondent found that the petitioner is not eligible mainly on the ground that “all Trucks offered by the bidder/petitioner are outside the capacity range required as per NIT and tender.”

2. Further in proceedings dated 01.04.2024, technical evaluation for tender was undertaken, wherein the name of the petitioner was rejected for the reason 4 out of 6 trucks submitted are having capacity outside the range as per tender.

3. Mr.Vijay Narayan, learned Senior Counsel appearing on behalf of the petitioner would submit that the rejection occurred on account of an error in the RC Book issued by the Regional Transport Office. The petitioner corrected the errors in the RC Book and the Regional Transport Office issued



W.P.No.9483 of 2024

a revised RC Book for the petitioner's truck. The revised RC Book issued by the State Transport Department will be submitted to the respondent for consideration.

4. Mr.Mohamed Fayaz Ali, learned Standing Counsel for the respondent/Indian Oil Corporation would submit that in the event of accepting the RC Book from the petitioner, it would upset the tender process. Further, the Price Bid was already opened. Therefore, the case of the petitioner cannot be considered.

5. In reply, the learned Senior Counsel for the petitioner would submit that the petitioner may be the lowest bidder. Therefore, if the price bid of the petitioner is opened, it may be beneficial to the respondent/Oil Corporation.

6. Further, the learned Standing Counsel for the respondent would submit that the petitioner is aware of the terms and conditions stipulated in the tender notification regarding the Technical Bid with reference to the capacity. Therefore, an application for rectification before the State Transport



W.P.No.9483 of 2024

Department was made subsequently. Thus, the claim of the petitioner need not be considered by the respondent.

7. This Court is of the considered opinion that the knowledge of the petitioner at the time of opening Technical Bid need not be presumed. In the present case, the petitioner was aware of the conditions. But the error occurred on account of wrong entries in the RC Book, which was corrected. Such a mistake happened at the instance of the Transport Department. Therefore, it need not be a ground to reject the claim of the petitioner.

8. However, this Court is not inclined to go in to the merits of the issue. However, the respondent shall receive the revised RC Book to be submitted by the petitioner today i.e. on 04.04.2024 and open the price bid and accordingly take a decision on merits and in accordance with law. It is made clear that after satisfying the conditions stipulated for technical bid, the case of the petitioner is to be considered for opening the price bid.

9. Accordingly, the Writ Petition stands **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.



W.P.No.9483 of 2024

04.04.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To
Indian Oil Corporation Limited,
Marketing Division,
Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai – 600 034.
Represented by its Deputy General Manager (Contracts)

S.M.SUBRAMANIAM,J.

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