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W.P.No.12092 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12092 of 2021
and W.M.P.No.12867 of 2021

M/s.Authomatic Electric Ltd.
Represented by its Authorized Signatory
Having registered office at Rectifier House,
570 Naigaum Cross Road,
Vadala, Mumbai-400 031.

... Petitioner

-Vs-

- 1.Union of India
Through Ministry of Railways
256-A, Rail Bhavan, Raisina Road, Rajpath Area,
Central Secretariat, New Delhi,
Delhi 110001.
2. Integral Coach Factory, Chennai,
Represented by
Principal Chief Electrical Engineer,
Unit of Indian Railways,
Having its head office at Administrative building,
Shell Department, Integral Coach Factory,
Chennai – 600 038.
- 3.M/s.Vimal Transformer Corporation
Having its head office at Prem Nagar Export Zone,
Kanth Road, Near Crest Hospital, Moradabad,
Uttar Pradesh – 244 001.

... Respondents



W.P.No.12092 of 2021

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of declaration:

a) declaring the impugned communication of the 2nd respondent dated 21.04.2021, bearing ref: Nil, regarding its Tender reference no: 08202038, through the email-id sysadmin.eps@cris.org.in to the petitioner's email id rly@aelindia.com as arbitrary, illegal, and void; and

b) declaring the action of the 2nd respondent in awarding the LOI/award of tender to the respondent No.3 in respect of the Tender Document No. 08202038 dated 09.01.2021 as arbitrary, illegal and liable to be cancelled; and

c) declaring the Tender Document No.08202038 dated 09.01.2021 issued by the Respondent No.2 in so far as the Eligibility Condition No.4 to the extent it imposes the condition that “*However, if a firm is de-listed by any of the PUs i.e. ICF/RCF/MCF, they will not be considered for ordering*” as arbitrary, illegal and void; and

d) consequently, direct the 2nd respondent to consider the bid of the petitioner in respect of the Tender Document No. 08202038 dated 09.01.2021 issued by 2nd respondent as valid and to include the petitioner in the selection process on merits and to award the tender if successful in accordance with law.

For Petitioner : Mr.Adarsh Ramanujan

For R1 & R2 : Mr.M.Vijay Anand
Additional Standing Counsel



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ORDER

This writ petition has been filed for the issuance of a Writ of declaration:

- a) declaring the impugned communication of the 2nd respondent dated 21.04.2021, bearing ref: Nil, regarding its Tender reference no: 08202038, through the email-id sysadmin.eps@cris.org.in to the petitioner's email id rly@aelindia.com as arbitrary, illegal, and void; and
- b) declaring the action of the 2nd respondent in awarding the LOI/award of tender to the respondent No.3 in respect of the Tender Document No. 08202038 dated 09.01.2021 as arbitrary, illegal and liable to be cancelled; and
- c) declaring the Tender Document No.08202038 dated 09.01.2021 issued by the Respondent No.2 in so far as the Eligibility Condition No.4 to the extent it imposes the condition that *“However, if a firm is de-listed by any of the PUs i.e. ICF/RCF/MCF, they will not be considered for ordering”* as arbitrary, illegal and void; and
- d) consequently, direct the 2nd respondent to consider the bid of the petitioner in respect of the Tender Document No. 08202038 dated 09.01.2021 issued by 2nd respondent as valid and to include the petitioner in the selection process on merits and to award the tender if successful in accordance with law.



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2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw this petition and he has also made an endorsement in the Court bundle to that effect.

3. In view of the above submission and endorsement made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn. Consequently, connected Miscellaneous petition is closed. No costs.

01.04.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

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Through Ministry of Railways
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G.K.ILANTHIRAIYAN. J.

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