



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-04-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.11456 of 2024

And

WMP Nos.12561 and 12563 of 2024

Turbo Engineers (CBE),
Represented by its Sales Engineer D.Rajesh,
266/1, Thennampalayam Annoor Main Road,
Ponnandampalayam Village,
Coimbatore-641 659.

.. Petitioner

-VS-

1.Tamil Nadu Generation and Distribution
Corporation Limited, Represented by its
Chairman and Managing Director,
144, Anna Salai,
Chennai-600 002.

2.Director-Finance,
TANGEDCO,
7th Floor, NPKRR Maligai Building,
144, Anna Salai,
Chennai-600 002.



- 3.Chief Engineer,
North Chennai Thermal Power Station-I,
TANGEDCO, Athipattu Village,
Chennai-600 120.
- 4.The Superintending Engineer, P&A,
North Chennai Thermal Power Station-I,
TANGEDCO, Athipattu Village,
Chennai-600 120.
- 5.Deccan Mechanical and Chemical Industries
Private Limited,
78, Bhosari Industrial Estate, MIDC,
Bhosari,
Pune-411 026,
Maharashtra.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the Local Purchase Order in P.O.No.CE/NCTPS-I/SE/P&A/EE/MM/P.O.No.358/2023-24/D.2411 dated 15.03.2024 issued by the fourth respondent, to quash the same and ultra vires and illegal.

For Petitioner : Mr.K.Ramanraj

For Respondents-1 to 4 : Mr.K.Arun Prasad,
Standing Counsel for TANGEDCO.



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ORDER

the Local Purchase Order in P.O.No.CE/NCTPS-I/SE/P&A/EE/MM/P.O.No.358/2023-24/D.2411 dated 15.03.2024 issued by the fourth respondent, is sought to be quashed in the present writ petition.

2. The petitioner is Turbo Engineers and having manufacturing firm based at Coimbatore. The petitioner participated in the tender process, pursuant to the Notification issued by the respondent-TANGEDCO.

3. The learned counsel for the petitioner would submit that the Tender Notification was not issued in the newspapers as required under the Rules.

4. That apart, the tender for the same work earlier notified were cancelled on eight occasions. The petitioner was L-1 Tenderer for five occasions and thus tenders were cancelled without any valid reason. Therefore, the present purchase order issued in favour of the L-1 tenderer is



to be set aside.

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5. The learned Standing Counsel, appearing on behalf of the respondent-TANGEDCO, would oppose by stating that the publication was effected, both in the newspapers viz., 'Indian Express' and 'Dhinathanthi'. The procedures as contemplated were followed. The price bid was opened on 15.03.2024 and the purchase order was issued in favour of the fifth respondent.

6. Considering the urgency involved in execution of the work, the respondent-TANGEDCO acted swiftly and issued purchase order. Therefore, the present writ petition is to be rejected.

7. This Court is of the considered opinion that the scope of interference in tender proceedings are limited. The public interest involved in execution of such public projects are also to be considered by the Courts. No doubt, any illegalities noticed, are to be dealt with in accordance with law.



8. In the present case, the procedures were followed.

Cancellation of earlier Tender Notification was the policy decision taken by the respondent-TANGEDCO, which cannot be interfered with at the instance of the petitioner.

9. Mere cancellation would not provide cause for the writ petitioner to question the same. Since no right accrued in respect of cancellation of earlier tenders and the said ground cannot be taken into consideration for setting aside the purchase order now issued pursuant to the Tender Notification issued on 11.03.2024.

10. This Court do not find any infirmity for interfering with the tender process.

11. Thus, the present writ petition is devoid of merits and consequently, it stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.



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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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Tamil Nadu Generation and Distribution
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Chennai-600 002.

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S.M.SUBRAMANIAM, J.

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