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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-04-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.12432 of 2024

And

WMP Nos.13568 and 13569 of 2024

S.Inthiradevi

.. Petitioner

-VS-

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

.. Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the respondent in e-mail dated 20.04.2024 in respect of tender ID 2023_SROTN_169616_1, in tender reference No. SRCC/PT/091/SRO/LBP/2023-24 and quash the same and consequently



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direct the respondent to consider the petitioner's bid dated 11.09.2023 in bid ID No.973853 for the transportation of packed lube oil/greases/additives/ DEF Ex-LBP, Chennai/CIP, Madhavaram and Ex-SCFP, Tadepalli through ISO containerized trucks.

For Petitioner : Mr.L.Chandrakumar for
Mr.P.Kannan Kumar.

For Respondent : Mr.Mohammed Fayaz Ali,
Standing Counsel for IOC.

ORDER

The order of rejection rejecting the Technical Evaluation by the Committee in proceedings dated 20.04.2024, is under challenge in the present writ petition.

2. It is not in dispute that the petitioner participated in 'E' Tender process for transportation of packed lube products.

3. Mr.L.Chandrakumar, learned counsel for the petitioner would submit that the Technical Evaluation was rejected on the ground that the petitioner has not submitted NOC for two Trucks bearing Registration



Nos.TN-34-AH-0820 and TN-34-AH-0892 respectively.

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4. In respect of the abovesaid two Trucks, NOCs are already available and the Indian Oil Corporation issued NOC on 26.08.2023 itself.

5. When the NOCs are available, the respondent ought to have asked the petitioner to produce the same. Thus without providing an opportunity to the petitioner, the impugned order dated 20.04.2024 has been issued.

6. Mr.Mohamed Fayaz Ali, learned Standing Counsel appearing on behalf of the Indian Oil Corporation, would oppose by stating that the facts are to be put straight in the present case. The reliance placed by the petitioner in respect of the order passed in WP No.9483 of 2024 is not applicable.

7. In the present case, the petitioner had not produced the NOC during the relevant point of time.



8. Pertinently, the Oil Corporation has rejected the Tender Evaluation as early as on 21.03.2024 and it was communicated to the petitioner. Therefore, the order dated 20.04.2024 is not the first rejection order. But the original rejection order was passed on 21.04.2024 and the very same reason has been reiterated in the impugned order at the time of opening the price bid on 20.04.2024.

9. When the original rejection of Technical Evaluation was made on 21.03.2024, the petitioner ought to have furnished the copies of NOCs, but he had not responded. After opening of price bid, the subsequent communication dated 20.04.2024 was issued, which is under challenge in this writ petition.

10. The original rejection order dated 21.03.2024 also reveals the same reason that the petitioner has not produced the NOCs in respect of two Trucks. The impugned order dated 20.04.2024 also referred the same vehicles.



11. That being so, the petitioner could have produced NOCs immediately on receipt of the original rejection order dated 21.03.2024.

12. The learned counsel for the respondent would submit that the price bid has already been opened and the L-1 tenderer has been already selected. Therefore, the petitioner is not entitled to succeed.

13. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

29-04-2024

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

The Deputy General Manager (Contracts),
Indian Oil Corporation Ltd.,
Marketing Division,
Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai-600 034.

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S.M.SUBRAMANIAM, J.

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