



WEB COPY



W.P.No.12447 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.12447 of 2024
and
W.M.P.No.13595 of 2024

1. A Paul Software Systems Pvt.Ltd.,
A Company incorporated under the
Companies Act, 1956
Having its registered office at
D-6/3 Okhla Industrial Area Phase-I,
New Delhi – 110 020,
Represented by its authorised signatory,
Raksha Kumari Bahl.

2. Raksha Kumari Bahl,
A.Paul Software Systems Pvt.Ltd.,
D-6/3 Okhla Industrial Area Phase-I,
New Delhi – 110 020.

... Petitioners

Vs.

Chennai Metro Rail Ltd.,
Metros, Anna Salai,
Nandanam,
Chennai – 600 035.
Through its Chief General Manager,
(Rolling Stock)

... Respondent



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Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Declaration, declaring that persons having relevant experience in Mainline Railways are also eligible to participate under Clause 7.2 of the Tender condition in e-tender being e-NIT No:CMRL-RSP-001-2024 dated 02.02.2024.

For Petitioner : Mr.Manishankar
Senior Counsel
for Mr.R. Bharadwaja Ramasubramaniam

For Respondent : Mr.Aditya Chandra Mouli
for M/s. Aiyar and Dolia
Standing Counsel for CMRL

ORDER

The writ of declaration has been instituted to declare that the persons having relevant experience in Mainline Railways are also eligible to participate under Clause 7.2 of the Tender condition bearing e-NIT No:CMRL-RSP-001-2024 dated 02.02.2024.

2. The Chennai Metro Rail Limited issued the tender notification and the petitioner is submitting his application today i.e., on 30.04.2024.



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3. Mr.Manishankar, learned Senior Counsel appearing on behalf of the petitioner would submit that there is an apprehension that the application of the petitioner may be rejected by citing clause 7.2 in the tender notification, despite the fact that the petitioner is qualified as per the standards prescribed in Clause 16 of the tender notification.

4. However, the apprehension is based on presumption and the Courts cannot grant any relief merely based on presumptions and assumptions.

5. As on today, when the writ petition is taken up for hearing, the petitioner has not even submitted his application, pursuant to the tender notification issued by the Chennai Metro Rail Limited. If at all, the application, if any, submitted by the petitioner is received by the respondents, the said application is to be considered scrupulously in consonance with the terms and conditions stipulated in the tender notification. Certain interpretations on technical aspects cannot be done by the Court in the present writ petition. It is for the expert body to consider all those issues based on the tender conditions. Therefore, the petitioner is at liberty to submit



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his application. If any such application is received, it is for the respondent to scrutinize the same in accordance with the terms and conditions stipulated in the tender notification and by following the due process.

6. Accordingly, the Writ Petition stands **disposed of**. No costs.

Consequently, connected miscellaneous petition is closed.

30.04.2024
(2/2)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To
Chennai Metro Rail Ltd.,
Metros, Anna Salai,
Nandanam,
Chennai – 600 035.
Through its Chief General Manager,
(Rolling Stock)

S.M.SUBRAMANIAM,J.



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