



W.P.No.17968 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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and W.M.P.Nos.22297 and 22298 of 2020

Smart Mobility Association (SMA),
Rep. by its Authorised Representative,
Mr.Hugh Rosario,
Office at 140, Radha Palace, Gurugram,
Haryana 122001,
Residing at R/o 23, Outer Circular Road,
Kilpauk Garden Colony, Chennai 600 010.

.. Petitioner

Vs

1. State of Tamil Nadu,
Rep. through The Additional Chief
Secretary/The Transport Commissioner,
State Transport Authority,
Chepauk, Chennai-5.
2. M/s.Mercyda'z,
Sulthan Bathery, North Kerala 673 592.
3. M/s.Ecogas Impex Pvt. Ltd.
Faridabad-121003, Haryana.



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4. M/s.APM Kingstrack Technologies,
Choolaimedu, Chennai-600 094.
5. M/s.RDM Enterprises
Palwal, Haryana 121 102.
6. M/s.GRL Engineers Pvt. Ltd.,
Hisar, Haryana.
7. M/s.Tranight Systems Pvt.Ltd.,
Kalamassery, Cochin 683503.
8. M/s.Lakshika India Auto Technologies
New Perungaluthur, Mundiampakkam,
Tamil Nadu 605601.
9. M/s.Micro Autotech Pvt. Ltd.,
Industrial Area, Roorkee 247667.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent relating to the empanelment Letter No. 8067/S3/2015 dated 18.11.2020 issued by the 1st respondent in favour of the respondents 2 - 9, quash the same and consequently direct the 1st respondent to issue a notification laying down the process of affixation of VLTD in old public service vehicles registered upto 31st Dec 2018 in strict adherence to the MORTH notification dated 31st October 2018, Rule 125 H and Rule 126 of CMVR Rules and also direct the 1st respondent to issue a public notice / advertisement and follow a transparent and competitive mechanism of empanelment of manufactures wherein the VLTD manufactures.



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For the Petitioner : Mr.S.Sheik Ismail

For the Respondents : Mr.Karthik Jagannath
Govt. Advocate for R-1

: No appearance
for RR 2, 4 and 6 to 9

: Not ready in notice
reg. RR 3 and 5

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

Heard, Mr.Sheik Ismail, learned counsel for the petitioner and Mr.Karthik Jagannath, learned Government Advocate for the first respondent.

2. The writ petition is directed against the order of the first respondent dated 18.11.2020 empanelling respondents 2 to 9 for affixing Vehicle Location Tracking Devices (VLTD) and emergence buttons.

3. The petitioner is an association registered under the Indian Societies Registration Act, 1860 and is a body of all major companies



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in the manufacture of Vehicle Location Tracking Devices. By the impugned letter, the first respondent empanelled respondents 2 to 9 as the VLTD manufacturers for fitment of VLT devices in the State without issuance of notification, which is a mandatory requirement with regard to transparency. The grievance of the petitioner association is that the first respondent did not adopt the transparent manner of empanelment by publicizing through public notice and by doing so, the first respondent had actively colluded with respondents 2 to 9 and thus, committed illegality and flouted the main objective of Rule 125H.

4. When the matter was taken up for hearing today, the learned Government Advocate would submit that the impugned order has not been given effect to and it was decided to establish Command and Control Centre and only thereafter, a fresh empanelment will be formulated and the installation of VLTD and Panic Buttons will be implemented. In support of his statement, he has produced the written instructions received from the concerned authority, wherein it has been stated as follows:



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" As per the Letter No.8067/S3/2015 dated: 08.12.2020 it was decided that the installation of VLTD and Panic Buttons will be implemented after the establishment of Command and Control Centre by the Transport Department and therefore inspecting officers were instructed not to insist on the installation of VLTDs for Public Service Vehicles and National Permit Goods Carriers until further orders.

Proposal has been sent to the Government with a request to issue orders to implement Command and Control Centre for vehicle Location Tracking System in the State through C-DAC dated 24.02.2021.

Government has requested to form a Committee u/s 16(bb) of the Tamil Nadu Transparency in Tenders Act, 1998 and to send recommendation of the committee dated 29.09.2022.

Technical Committee has sent recommendation nominating C-DAC in Lr.No.8067/VLTD/S3/2015 dated 28.10.2023.

Revised recommendation were called for by the Government dated 23.11.2023.

Technical Committee has sent revised recommendation that C-DAC may be considered as a Single Source Agency to provide VLTD in our State in Lr.No.8067/VLTD/S3/2015 dated 14.12.2023.

Government has requested to form a Committee u/s 16(bb) of the Tamil Nadu Transparency in Tenders Act mentioned in Para 1 dated 05.04.2024.

Letter has been sent to Government for obtaining necessary order constituting the Committee in Lr.no.8067/VLTD/2020 dated 10.04.2024.

Waiting for Government Orders for the recommendation of



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Committee Members."

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Therefore, it is clear that only after the establishment of Command and Control Centre on the recommendation of the Committee, fresh empanelment will take place.

5. The aforesaid statement of the learned Government Advocate is recorded and the writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are also closed.

(R.M.D., ACJ.) (M.S.Q., J.)
01.07.2024

Index : Yes/No
NC : Yes/No
sra

To

1. The Additional Chief Secretary
to Govt. of Tamil Nadu/
The Transport Commissioner,
State Transport Authority,
Chepauk, Chennai-5.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

(sra)

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