

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 14746 of 2025

**Daikin Airconditioning India Pvt. Ltd.
-versus
Union of India & Ors.**

**Mr. Uddhym Mukherjee.
Ms. Ananya Neogi.
...For the petitioner.**

**Ms. Anamika Pandey.
Mr. Pradip Paul.
... For the respondents.**

1. The matter relates to a tender floated by the Metro Railway, Kolkata. The petitioner is claims to be a company specializing in various airconditioning products. The petitioner manufactures and supplies components to other units who may participate in the tender process floated by the Authority.

2. Prior to start of the bidding process, the authority, by way of an addendum, altered certain portions of the tender document. The petitioner is aggrieved by the same.

3. Specific allegation is that the Metro Railway deliberately and intentionally, to keep the petitioner out of the competition, has made the addendum.

4. The decision making process of the authority has been challenged. It has been submitted that the rules of the game cannot be changed after the game has begun.

5. Prayer has been made to direct the authority to allow the components manufactured by the petitioner to be used in the tender process by ignoring the addendum.

6. Learned advocate representing the Metro Railway opposes the submission of the petitioner. It has been submitted, upon instruction that, the components which the petitioner is supplying has become obsolete and redundant.

7. The Metro Railway intends to upgrade the facility provided to the passengers. Keeping in mind the safety, security and the economic interest of the general public, the Railway Authority intends to use a component, which the petitioner does not supply.

8. It has been submitted that the original tender document contains a clause that any addendum/corrigendum will be published before commencement of the bidding start date.

9. It appears that 7th July, 2025 is the last date for submission of bids.

10. I have heard the submissions made on behalf of both the parties.

11. Prima facie it does not appear that there is any mala fide on the part of the Metro Railway in coming up with the addendum.

12. It is settled law that the authority, which floats the tender, is the best person to fix the requirement and eligibility criteria. It is not for a bidder, and far less the manufacture of parts and components which may be used by the bidder to participate in the bidding process, to challenge the action of the authority in selecting a particular eligibility criterion.

13. The authority, for the best interest of the public and keeping in mind the safety and security of the passengers, intends to upgrade the technology

which is currently in use, for which many components which were used earlier may not be required at this stage.

14. The authority has relied upon the expert opinion of authorities namely the National Disasters Management Authority, IIT Kharagpur etc.

15. The subject project is of prime importance to the public at large and interference by a Writ Court at the instance of a manufacturer of components, not participating in the bidding process, is not warranted.

16. The Court is not inclined to exercise jurisdiction in this matter.

17. The writ petition fails and is hereby dismissed.

18. The reports by the Metro Railways Kolkata dated 3rd July, 2025 filed in Court today be retained with the records.

19. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)