



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.02.2025

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CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5677 of 2025
& W.M.P.No.6262 of 2025

GK Power Expertise Private Limited,

Rep. by its Authorized signatory,

Mr.V .G. Selvam,

4th Floor, 3/ 183, Mount Poonamallee Road,

Manapakkam,

Chennai District, 600125.

... Petitioner

/versus/

1. Union of India,

Rep. by its Secretary, Ministry of Railways Department,

Rail Bhawan,

Rail Marg,

Raisena Road,

New Delhi - 110 001.

2. The Chairman, Railway Board,

Rail Bhawan, Rafi Marg,

Raisena Road,

New Delhi - 110 001.

3. The Principal Executive Director,

Traction Installation Directorate,

Research Designs & Standards Organization,

Manak Nagar, Lucknow – 226011.



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4. The General Manager,
General Manager Office,
General Branch, 1st floor,
NGO main Building,
Southern Railway,
Park Town, Chennai – 600003.

5. The Principal Chief Electrical Engineer,
General Branch, 1st floor,
NGO main Building,
Southern Railway, Park Town,
Chennai - 600003.

6. The Deputy Chief Electrical Engineer,
General Branch, floor, NGO main Building,
Southern Railway, Park Town,
Chennai - 600003.

7. The Principal Chief Electrical Engineer,
SEC Railway, Bilaspur,
RTS Colony,
Railway Colony,
Bilaspur, Chhattisgarh.

8. The Deputy Chief Electrical Engineer,
Projects, 3rd Floor, Western Wing MNC
Buildings, Southern Railway,
Chennai – 600 003.

... Respondents

(R8 Suo motu impleaded as per order dated 19.02.2025 in W.P.No.5677 of 2025 by DBCJ)

Prayer: Writ Petition is filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records impugned tender issued by the 6th respondent tender No.CONV-AFL-2x25KV-SR01 dated 30.01.2025 and quash the same, consequently direct the 6th respondent to allow the



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petitioner to participate in the tender for supply of Automatic Fault Locator (AFL) by imposing fair condition and pass further orders.

For Petitioner : Mr.N.L.Rajah, Senior Counsel,
Assisted by K.Babu
For Respondents : Mr.Ramamurthy
Government Advocate, RR1 to 8

ORDER

This writ petition is filed calling for the records on the file of the 6th respondent relating to tender No.CONV-AFL2x25kv-SR01, dated 30.01.2025 and to quash the same and consequently, direct the 6th respondent to allow the petitioner to participate in the tender for Supply of Automatic Fault Locator by imposing fair conditions and pass such further other orders and this Court is deemed fit.

2. Heard Mr.N.L.Rajah, the Learned Senior Counsel appearing on behalf of petitioner and Mr.Ramamurthy, the learned Counsel appearing on behalf of the respondents.



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3. The Learned Senior Counsel, after reiterating the grounds raised in the writ petition, would refer to the impugned tender conditions, specifically under the caption 'Eligibility Conditions'. The learned Senior Counsel would rely on the Technical Criteria and Special Eligibility Criteria that are insisted upon. The tender specifically requires participants to comply with the RDSO specifications. It clearly states that the items must be supplied strictly in accordance with the latest RDSO specifications. Additionally, it mandates that the manufacturer must have conducted field trials for a minimum duration of three months on 2x25 systems utilized by the Indian Railways. These trials should demonstrate the effectiveness and reliability of the system under operational conditions in line with the RDSO specifications. It also further mandates that the field trials are fully completed before the prescribed time for tender opening.

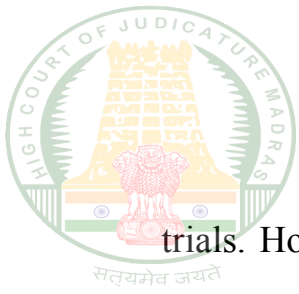
4. The Learned Senior Counsel points out that the date of opening of the tender is 03.03.2025. The latest RDSO specifications were published only on 06.01.2025. The petitioner is a manufacturer of the equipment, and its system is ready to undergo the field trial. The petitioner has already sought permission from the respondents to conduct the field trial in the systems utilized by the Indian



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WEB 2x25 KV. There is only one system that the Indian Railways have upgraded to. The respondents have yet to give permission to the petitioner, and it will take three months for the petitioner to complete the trial. Before the mandatory three-month trial, the date of opening of the tender falls. Therefore, the petitioner will obviously be disqualified. Not only will the petitioner be disqualified, but any prospective tenderer will also be disqualified. The Tender Conditions have been framed without proper consideration and are arbitrary and unfair. Therefore, this Court should intervene in the matter.

5. Per contra, Mr. Ramamurthy, learned counsel for the respondent, submits that the first criterion only addresses compliance with RDSO specifications. Although it is stated that the field trial should be conducted in systems utilized by the Indian Railways, the RDSO specification itself, in clause 7.4.1, categorically contains an exception for firms that have successfully completed prototype testing and field trials, and have installed and commissioned AFL (Automatic Fault Locator) on the 2 x 25 KV AC traction system of IR (Indian Railways) or DFCCIL (Dedicated Freight Corridor Corporation of India Limited), which are deemed eligible to supply directly without undergoing field



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trials. However, successful type testing by the RDSO is mandatory. Therefore, if

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the tender conditions are read in *conjunction* with the RDSO specifications, it

becomes clear that individuals who have completed their mandatory testing in the dedicated freight corridors are also eligible. Furthermore, it is his contention that the revised guidelines published on 06/01/2025 do not represent the first instance of new specifications for the Automatic Fault Locator. These guidelines have existed previously, and in many sections, 2 x 25 KV has already been upgraded. The details are provided in the annexure to the counter affidavit. According to learned counsel for the respondents, there are already seven locations in the *JNPT-Vadodara-Rewari-Dadri sections* of the Western Corridor and another seven locations in the *Ludhiana-Khurja-Kanpur-Mughalsarai-Sonnagar-Dankuni & Dadri-Khurja section* of the Eastern Corridor, as well as *Bina-Katni* in the Indian Railways section. Therefore, vendors who have tested their products in any one of these 15 sections would indeed be eligible. As of the date of the tender opening, there are other eligible vendors whose tenders can be considered valid and liable, making the tender condition not arbitrary. Since the tender condition is neither arbitrary nor made with any malafide intentions, this Court, under Article 226 of the Constitution of India, will not interfere or issue any order to prevent the



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authorities from proceeding with their purchase. The very intention of the tendering system is to ensure the purity of the process and the use of quality products that have been tested, considering the safety of passengers and the upgrade of the system from 1 x 2 KV to 2 x 25 KV.

6. In reply, therefore, Mr. N.L. Raja, the learned Senior Counsel, submits that even in the tender conditions, they have clearly used the term "Indian Railways" and have not mentioned "Dedicated Corridor." Had this option been given to the petitioner, the petitioner would have requested permission to test its product on any of the Dedicated Corridors as well. The respondents cannot now deviate from their tender conditions and take a different stance before the Court. Therefore, he submits that the tender conditions should still be considered arbitrary, and either the impugned order should be quashed, or individuals like the petitioner should be granted an exception to complete their testing within a period of three months. Furthermore, the qualification regarding the date of opening of the tender, which is on 03/03/2025, should be extended to the petitioner and similar cases.



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7. I have considered the rival submissions made on either side and perused the material records of the case.

8. The relevant portion of the conditions that are mainly challenged in the writ petition are contained in the impugned order and the same are extracted hereunder for ready reference.

“....Special Technical Criteria Another Special Eligibility Criteria for the supply of AFL: The manufacturers must meet all the following requirements:

- 1. Compliance to RDSO Specification: The Item must be supplied in strict accordance with the latest RDSO specifications. Proper compliance documentation should be included to verify conformity to relevant RDSO specification No.II/SPC/PSI/AFL/0240*
- 2. Field Trials: The manufacturer must have conducted field trials for a minimum duration of three months specifically on 2X25KV systems utilized by the Indian Railways. These trials should demonstrate the effectiveness and reliability of the system under operational conditions in line with RDSO Specification No. TI/SPC/P5I/AFI/0240,*
- 3. Completion of Trials: It is essential that the field trials are fully completed before the prescribed time of the*



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tender opening. 4. Prototype Approval: The manufacturer must have successfully completed the prototype tests for the AFL from the RDSO before supply of the same....”

9. Thus, it can be seen that two things are mandatory. Firstly, the product should conform to the RDSO (Research Design and Standards Organization) standards. Secondly, the product supplied by the tenderer must have undergone a field trial. The product of any manufacturer should have been subjected to a field trial for a minimum duration of 3 months, specifically on 2x25 KV systems used by the Indian Railways, demonstrating the effectiveness and reliability of this system. The trial must also have been completed by the date of the tender opening. The date for the opening of the tender is 03.03.2025. Firstly, the argument of the learned Senior Counsel is that the specification itself was made only on 06.01.2025. It is clear that it is not the case that any new technical specification came into force from 06.01.2025. The process of upgrading the system from 1x25KV to 2x25 KV has already been in place within the Indian Railways, and the periodic revised publication of the guidelines does not imply that totally new specifications came to be published for the first time only from



06.01.2025. Further, the matter concerning the conduct of the trial is addressed by

WEB the RDSO specifications themselves, and it is essential to refer to Clause 7.4.1, which pertains to the field trial.

“Pre-Requisites For Granting Clearance Before Supply.

7.4.1. While procurement to be made as per RDSO specification, followings are the conditions that are to be fulfilled before affecting supplies -

(i) Firm shall offer the prototype to RDSO for inspection.

(ii) Field Trial: After successful prototype testing of Automatic fault locator system, manufacturer shall install the Automatic fault locator system in any sector (TSS to SP) of live 2x25kV AC Traction System with minimum 01 numbers of CU and 03 numbers of MU in any section of Indian Railways for field trial for a minimum period of 03 months and shall illustrate its functionality in detecting all 3 types of fault (T-E, F-E & T-F).

Note:-

(a) If field trial is not satisfactory, the prototype shall be treated as failed and further action shall be taken as per applicable RDSO ISO document of vendor



approval.

(b) Any modifications found necessary during prototype testing and/or field trial shall be carried out by the manufacturer at his own cost.

(iii) The performance of Automatic Fault Locator system during the field trial shall be judged based upon the satisfactory performance of the following:

1. Calculating unit (CU)
2. Measuring unit (MU)
3. Accuracy of fault distance should not exceed +/- 500 meter for traction to earth and feeder to earth fault +/- 1000 meter for traction to feeder fault and type of fault recorded by Automatic Fault Locator System.

(iv) After the satisfactory performance of the field trials, the firm to be given clearance for supply.

Exception-Firms that have successfully completed prototype testing and field trials, or have installed and commissioned AFL on 2x25KV AC traction system of IR or DFCCIL, are deemed eligible to supply directly without undergoing field trial. However, successful type testing by the RDSO is mandatory.”

(Emphasis supplied)



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10. Therefore, if the tender conditions are reviewed alongside the RDSO specifications, it is evident that it is not essential for every tenderer to conduct a field trial only after 06.01.2025. Firms that have already successfully completed their prototype testing and field trials, or have installed and commissioned AFL on the systems of both the Indian Railways and the Dedicated Corridors, are exempt and therefore will be eligible to participate in the tender. However, it appears that the petitioner has developed a new product, which has yet to undergo field testing. In this situation, the petitioner cannot insist that until they complete the field run and join as an eligible tenderer, no tender should proceed at all. The impugned tender pertains to certain sections in the Southern Railway, as indicated in the work's name. Consequently, various sections of the Railways will be upgraded periodically, and once the petitioner's field trial is conducted and they become eligible, they can participate in subsequent tenders. The petitioner cannot prevent the respondents from proceeding with the tender until they become eligible.

11. At the same time, it can be seen that the impugned tender documents do not clearly specify that the field trial would adhere to RDSO 7.4.1.



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Although this can be implied by reading both documents together, the tender documents explicitly state that the field trials should occur on Indian Railways, which leaves room for confusion. Prospective vendors who have already received approval for their products on various Dedicated Corridors may think that only those vendors who have conducted free trials on Indian Railways will be eligible. Therefore, it is the respondents' duty to clarify the position. Since the deadline for participation is on 03/03/2025, and today is 25.02.2025, the respondents can issue an Addendum/Corrigendum to clarify that all individuals who have conducted field trials in the Dedicated Corridor can also participate in the tender under the eligibility criteria, which shall include all exempted vendors.

12. As a matter of fact, when the exemption extracted above is granted to different types of persons, such as those firms that have successfully completed prototype testing and field trials or have installed and commissioned AFL on the 2x25KV AC traction system of Indian Railways as well as the DFCCIL, and when the tender conditions specifically omit the term '**DFCCIL**' and state that testing should be conducted only in systems utilized by “**Indian Railways**”, a contradiction arise as between the stand taken before Court to



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rationalise the tender conditions and the actual tender conditions. The purpose of the tender is to encourage all eligible vendors to participate, but this creates ambiguity for individuals like the petitioner, who may interpret it as implying that trial runs should only occur in the Corridor of Indian Railways and not in any other Dedicated Corridor. Now, in the counter-affidavit, paragraph No. 8, as well as in the annexure, the respondents suggest that it is applicable in any one of the 15 Sections in both the Dedicated Corridors or the Indian Railways. Therefore, an appropriate Addendum/Corrigendum should be issued to enable all eligible vendors who have tested their equipment in any of the Corridors, as well as in Indian Railways, can participate in the Tender.

13. As a result, the writ petition is disposed of on the following terms:

(i) The impugned tender conditions are upheld on the condition that the respondents issue an Addendum or corrigendum publicly announcing that everyone who has tested their equipment by conducting field trials, installations, or commissioning in any section of the Indian Railways or Dedicated Corridors will be eligible to bid well within the last date for receipt of the bids on 03/03/2025 and they can also extend the last date if needed;



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(ii) The permission sought by the petitioner to conduct a field trial for its product shall be considered appropriately by the 7th respondent, enabling the petitioner to carry out its trial in any of the segments both under the Indian Railways or Dedicated Corridors expeditiously;

(iii) No costs. The connected miscellaneous petitions stand closed.

25.02.2025

Neutral Citation : Yes.
bsm

Note: Issue order copy on 26.02.2025.

To,

1. The Secretary, Ministry of Railways Department,
Union of India, Rail Bhawan, Rail Marg,
Raisena Road, New Delhi - 110 001.

2. The Chairman, Railway Board,
Rail Bhawan, Rafi Marg,
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3. The Principal Executive Director,
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7. The Principal Chief Electrical Engineer,
SEC Railway, Bilaspur,
RTS Colony,
Railway Colony,
Bilaspur, Chhattisgarh.

8. The Government Pleader, High Court, Madras.



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