



W.P.No.8141 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM :

The Hon'ble MR.JUSTICE D.BHARATHA CHAKRAVARTHY

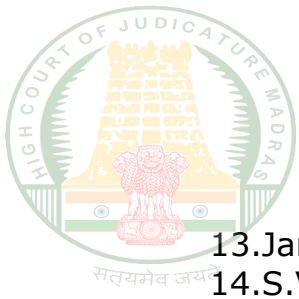
**W.P.No.8141 of 2025
and W.M.P.No.9115 of 2025**

N.Chandran

.. Petitioner

-VS-

1. Chennai Metropolitan Water Supply
and Sewerage Board (CMWSSB),
Rep. by its Managing Director,
Chintadripet, Chennai 600 002.
2. Metro Water Tanker Lorry Contractors
Association, Rep. by its President,
P.S.Sundaram, No.102, Bharathi Salai,
Mugappair West Garden, Chennai 600 037.
(R-2 impleaded as per order of Court
dt.18.03.2025 made in WMP.No.9841/2025
in WP)
3. Priyankah and Co.
Rep. by its Proprietor, C.Tharmaraj.
4. GRB Enterprises
Rep. by its Proprietor, R.Amsa.
5. Ammu R.
6. Ramachandran R.
7. Divya Water Supply
Rep. by its Proprietor, Velankandasamy.
8. S.Ramachandran
9. E.Suresh
- 10.Mohanraj
- 11.C.Vijaya
- 12.G.Karthick



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- 13.Jamuna J.
14.S.Vijayalakshmi
15.Vasantha Transports,
Rep. by its Proprietor, R.Dinesh Kumar.
16.N.Anbarasu
17.S.Balamurugam
18.B.kanagasabai
19.S.Dinesh
20.R.Murali
21.V.Mekala
22.C.Sethuraman
23.V.Manimekalai
24.P.Venkatesan
25.Sree Ravisarathi Transport
Rep. by its Proprietor R.Mohan.
26.Kavitha Transport
Rep. by its Proprietor, D.Guberan.
27.SAB Transport
Rep. by its Proprietor Asma Begum.
28.Yashwanth
29.A.Elumalai
30.S.Vinoth Raj
31.K.Vignesh
32.S.H.Transports,
Rep. by its Proprietor Hyder Ali Baig.
33.E.Raman
34.B.Velu
35.Saravana Transport
Rep. by its Proprietor, S.Prabhakaran.
36.Gayathri Transport
Rep. by its Proprietor, P.Santhosh Kumar.
37.P.Gayathri
38.M/s.Sree Thirumalai Water Supply,
Rep. by its Proprietor A.Radhika Dilip.
39.P.Natesan
40.A.Ramesh
(RR3-40 impleaded as per order of Court
dt.18.03.2025 made in WMP.No.11097/2025
in WP.)

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records in Tender No.MAT/OT/006/2024-2025 on the file of the respondent and quash the same as illegal, incompetent and without jurisdiction and consequently direct the respondent herein to issue a fresh tender for hiring of water tanker lorries of 18000 Lt., 12000 Lt., 9000 Lt. and 6000 Lt. capacity on contract basis for the period of three years (2024-2027).

For Petitioner	:	Mr.Sunny Sheen for Ms.V.Srimathi
For Respondents	:	Mr.Krishna Ravindran for R-1 Mr.R.Nalliyappan for R-2 Mr.E.Prabu for R-3

* * * * *

ORDER

This writ petition is filed with a prayer for issuance of certiorarified mandamus to call for the records in respect of Tender No.MAT/OT/006/2024-2025 and quash the same and consequently, direct the first respondent to issue a fresh tender for hiring of the water tanker lorries of 18,000, 12,000, 9,000 and 6,000 litres capacity on contract basis for the period of three years from 2024 to 2027.



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2. Upon hearing the learned counsel for all sides and perusing the affidavit that is filed along with the writ petition and the connected records, it can be seen that originally for the purpose of hiring the water tanker lorries of the capacities as mentioned above in the prayer, a tender was floated on 09.08.2024. It is specifically mentioned that the vehicles which were purchased 5 years prior to 2024 alone are eligible to be supplied, that is, the vehicles which were purchased in the year 2020 or thereafter alone can be supplied. The said tender condition came to be challenged before this Court by way of a writ petition in W.P.No.28167 of 2024 and by order dated 09.10.2024, the learned Judge partly allowed the writ petition by directing the respondents to increase the period from five years to seven years, that is all vehicles which were purchased from the year 2018 onwards were made eligible.

3. As a matter of fact, the first respondent Board chose to accept the said order and they issued an addendum. However, third parties, namely, an Association of Tanker Lorry Contractors preferred a writ appeal in W.A.No.3300 of 2024. After considering the case of the parties, the Division Bench allowed the writ appeal and it is essential to



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extract paragraphs 11 and 12 of the Judgment of the Division Bench,

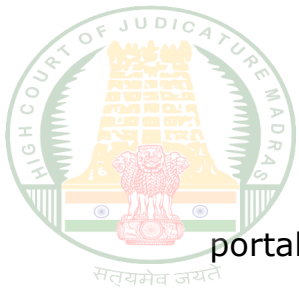
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"11. The learned Standing Counsel appearing on behalf of the Board would submit as per the tender notification, the process has already been completed and award of tender alone is awaited due to the pendency of the present writ appeal.

12. In view of the said factum, the second respondent/Board is permitted to complete the tender process in all respects and award the contract by following the due procedures."

Thereafter, the respondent/Board seems to have issued a communication dated 21.02.2025 requesting all the parties including the petitioner to extend the validity of the tender upto 27.03.2025, however, without changing the rates already quoted and conveying the same to their office on or before 24.02.2025. It is also stated that in the meanwhile, the tender was also opened and negotiations also happened. The petitioner protested during the opening of the bid and is before this Court challenging the very tender itself.

4. The contention of the learned counsel for the petitioner is that originally on 22.09.2024, the petitioner submitted a quote in the



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portal. When the petitioner submitted his original quote, taking into consideration only the competition which the petitioner may face, that is among the owners of the vehicles which are five years old, the petitioner quoted a particular rate. It is true that the petitioner's vehicle is less than five years old, but, however, when the respondent/Board published an addendum and extended the period from five years to seven years and directed the parties to re-submit their bid, taking into consideration the competition which is prevailing in the field, the petitioner submitted another quote. Even though the petitioner's vehicle is only less than five years old, the petitioner took into consideration the competition that the petitioner would be facing in the tender, that is, persons who are having vehicles of 2018 model are all participating. Having that field in mind, the petitioner has made another quote. Therefore, now the very same quote is taken as final and the respondent/Board is proceeding further to finalise the tender. The same does not grant a level-playing field to all the participants. As a matter of fact, the petitioner was not even a privy to the writ appeal. Only those of the persons who were before the Court in the writ appeal and the persons had personal knowledge alone had the advantage. In any event, when originally a particular clause is floated and the petitioner has quoted a particular rate and when the clause



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has been subsequently altered and the petitioner has quoted an altered rate, now the original clause is restored, but, however, the petitioner is not permitted to restore his original quote or permitted to submit a fresh bid. Therefore, the action of the respondent/Board is illegal and therefore, the learned counsel would pray that the very tender itself should be quashed and the respondent/Board should be directed to proceed further with the fresh tender.

5. Per contra, Mr.Krishna, the learned counsel appearing on behalf of the respondent/Board, would submit that the entire tender is in such a manner that would arrive at an optimum rate for the supply of the tanker lorry. It is not based on the individual quote alone. Based on the quotes that are received as L1, further negotiations are conducted and the value is fixed and for that value, all the owners of the tankers who have qualification will all be entitled to supply the lorries. In view of the nature of the contract, no prejudice whatsoever can result to the petitioner. In any event, he would submit that when the Division Bench has directed the respondent/Board to proceed further in the award of the contract, they have obeyed by the direction and accordingly, proceeded. The entire writ petition is only made with an intention of sabotaging the process. Therefore, he would submit



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that this Court need not interfere.

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6. Mr.R.Nalliyappan, learned counsel appearing on behalf of the newly impleaded party/2nd respondent would submit that as a matter of fact, the very same contention was also raised before the Division Bench by way of a review application and the review application is also dismissed today (18.03.2025). Therefore, he would submit that the writ petition be dismissed.

7. Mr.E.Prabu, learned counsel appearing on behalf of the newly impleaded parties, who were impleaded as respondents 3 to 40, would also support the case of the petitioner. He would submit that his parties are also aggrieved as that of the petitioner and the entire exercise has to be re-done.

8. I have considered the rival submissions made on behalf of the parties.

9. Originally, the respondent/Board fixed a cap of five years for the lorries to be supplied, that is, those which were purchased in or after the year 2020. But, by virtue of the order of the learned Single



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Judge, an addendum was issued making it as seven years, that is, the lorries which were purchased in or after 2018. It is also not in dispute that the parties have all made their first bid and they were also permitted to make the second bid. On instructions, Mr.Krishna submits that the first bid is no more available as the same is made in the digital format and the parties once again logged in into the portal and the second bid is made and they do not have the data of the original bid as that is digitally erased and the fresh bid is entered into the portal.

10. As a matter of fact, the crux of the contention of the learned counsel for the petitioner as well as the learned counsel for the newly impleaded respondents 3 to 40 is that once the original position is restored by the Division Bench, then the tender cannot be proceeded with as such and the parties must either be permitted to revert back to their original bid or they must be permitted to make a fresh bid. The said contention cannot be raised before this Court. The operative portion of the order of the Division Bench is extracted above. When the Division Bench directs the respondents to proceed further with the tender and finalise the same, the grievance, if any, of the petitioner as well as the impleaded parties should only be brought before the



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Division Bench by way of appropriate application and when the Division Bench has ordered to proceed further with the tender, this Court cannot take a contra view and quash the very tender proceedings itself on the grievance that is raised by the petitioner.

11. In view thereof, giving liberty to the petitioner as well as the impleaded respondent Nos.3 to 40 to raise all their contentions in an appropriate manner before the Hon'ble Division Bench, this writ petition stands disposed of. No costs. consequently, connected miscellaneous petition is closed.

18.03.2025

Neutral Citation: Yes

**Note: Issue order copy
by tomorrow (19.03.2025)**

sra

To

1. The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board (CMWSSB),
Chintadripet, Chennai 600 002.



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D.Bharatha Chakravarthy, J.

(sra)

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