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WP No. 10674 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP No. 10674 of 2025

AND

WMP NO. 12031 OF 2025

M/s Aaxis Nano Technologies Private
Limited,
Through its Authorized Representative
Mr Sathish Kumar Elumalai
Registered Office at:
L-29 - 34, First Floor Connaught Place,
Central Dehi, Delhi India 110 001

Also At

Plot No-B 46, Sector 59, Industrial
Area,
Nodia, Uttar Pradesh, India 201 301.

Petitioner(s)

Vs

1. State of Tamil Nadu
Through the Principal Secretary,
Municipal Administration and Water
Supply Department,
Fort St George, Chennai 600 009.

2.Chennai Metropolitan Water Supply



and Sewage Board
(through The Managing Director And
Chairman)

Address At No 1, Pumping Station
Road, Chintadripet, Chennai 600 002.

3.M/s Gnanam Engineering Private
Limited,
(through its Directors)
Registered Office At:
No 62 Paulwells Road, Sripuram
Colony,
St. Thomas Mount, Kanchipuram,
Saidapet, Tamil Nadu, India 600 016.
Also at 1/61-5 Ravi Colony (Ground
Floor), 3rd Street,
St. Thomas Mount Chennai, India 600
016.

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order bearing Reference Number CMWSSB/C &M / CNT / SEW / NCB / MWB / 3639 / 2024-25 dated 13.02.2025 passed by the Respondent No.2 and quash the same and consequently direct the respondent No.2 to consider the representation issued by the petitioner vide letter dated 20.02.2025 bearing reference number ANTPL/2024-25/1245 and pass.

For Petitioner(s): Mr.Sathish Parasaram
Senior Counsel
for Mr.Jidesh Kumar M.D



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For Respondent(s): Mr.M.S.Premkumar
Government Advocate for R1
Mr.Krishna Ravindran
Standing Counsel for R2

ORDER

This Writ Petition has been filed for issuance of a writ of Certiorarified Mandamus, to call for the records connected with the impugned order bearing Reference Number CMWSSB/C &M / CNT / SEW / NCB / MWB / 3639 / 2024-25 dated 13.02.2025 passed by the Respondent No.2 and quash the same and consequently direct the respondent No.2 to consider the representation issued by the petitioner vide letter dated 20.02.2025 bearing reference number ANTPL/2024-25/1245.

2. Mr.M.S.Premkumar, learned Government Advocate takes notice on behalf of the first respondent and Mr.Krishna Ravindran, learned Standing Counsel takes notice on behalf of the second respondent.



3. By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

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4. The case of the petitioner is that the Chennai Metropolitan Water Supply and Sewage Board (in short, CMWSSB) issued a notice inviting Tender for the design, supply, delivery, erection, testing and commissioning of an odour control system along with its allied works at the Korattur HT Sewage Pumping Station. M/s.Gnanam Engineering, the 3rd respondent herein, through its partner M/s.Vair Systems Private Limited, approached the petitioner via email and call, proposing the formation of a Joint Venture (hereinafter referred to as JV) to fulfil the eligibility criteria required for participation in the bid floated by CMWSSB. The petitioner duly provided all relevant documents, including the original experience certificates and related documents issued by Delhi Jal Board (hereinafter referred to as “DJB”) to 3rd respondent via email, as those documents were originally received from DJB, were shared to substantiate the petitioner's requisite experience for participation in the aforesaid bid. Upon being satisfied with the petitioner's eligibility, the 3rd respondent entered into a



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Joint Venture Agreement with the petitioner for the purpose of participating in the aforesaid bid. As per the terms of the agreement, the 3rd respondent was designated as the lead partner, holding a 70% share in the project. Pursuant to the execution of the Joint Venture Agreement, the 3rd respondent and the petitioner submitted the bid along with all the requisite documents to the 2nd respondent. However, during the course of the verification of the documents, the petitioner came to know that the 3rd respondent had forged and altered an experience certificate issued by DJB and other documents purportedly issued to the petitioner by the DJB. The forged documents, which the petitioner had never shared with the 3rd respondent, which were created and submitted by the 3rd respondent without the petitioner's knowledge or consent. The petitioner immediately terminated the Joint Venture Agreement with 3rd respondent, upon discovering the forgery of documents. The petitioner lodged a police complaint against the 3rd respondent and its Directors with the SHO, Police Station New Ashok Nagar, New Delhi, reporting the forgery of documents. Thereafter, the 3rd respondent issued a letter to the petitioner, admitting and acknowledging their liability. In the said letter, the 3rd respondent expressly stated that the documents



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provided by the petitioner were genuine, authentic, and original. They also further admitted that the alterations in the documents were solely carried out by their employees for which the 3rd respondent assumes sole and exclusive responsibility. It was categorically stated that the petitioner had no knowledge or liability for the forgery of the documents. However, the Managing Director of CMWSBB issued a letter to the petitioner herein stating that, in light of the alteration and forgery of documents, the petitioner was debarred from participating in any future tenders floated by the CMWSSB for a period of six months from the date of issuance of the impugned letter. Challenging the same, the petitioner has filed the present Writ Petition.

5. The learned Senior Counsel appearing for the petitioner would submit that without issuing any notice and without affording an opportunity of personal hearing to the petitioner, the present impugned order dated 13.02.2025 came to be issued by the second respondent thereby blocking the petitioner from participating in any future tenders called by Chennai Metropolitan Water Supply and Sewage Board for a period of six months from the date of issuance

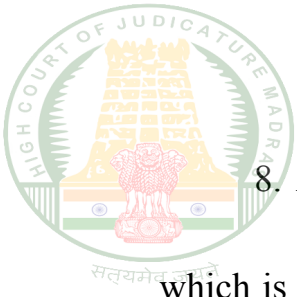


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of the letter/order dated 13.02.2025 and in the said letter/order it is also been stated that the Bid Security of Rs.2,50,000/- paid towards above work shall be forfeited. It is the submission of the learned Senior Counsel that the notice/letter dated 25.01.2025 referred to in the impugned order has been given to the lead partner and not to the petitioner, which is in violation of principles of natural justice. Hence, the learned counsel prays to set aside the impugned order dated 13.02.2025 passed by the second respondent.

6. Mr.Krishna Ravindran, learned Standing Counsel appearing for the second respondent would submit that prior to issuance of the impugned order dated 13.02.2025, a notice has been issued to the Joint Venture Bidder on 25.01.2025 as per the provisions of the tender conditions. Therefore, the violation of principles of natural justice canvassed by the petitioner is not attracted in this case. Hence, he prayed for appropriate orders.

7. Heard both sides and perused the materials available on record.



8. A perusal of the records, it reveals that the notice dated 25.01.2025

which is referred to by the learned Standing Counsel for the second respondent has been issued only to the lead partner and not to the petitioner. According to the petitioner, the petitioner was unaware of the notice dated 25.01.2025, since the said notice was issued to the lead partner. In such circumstances, this Court is of the view that the impugned order/letter came to be issued without affording any opportunity of personal hearing to the petitioner to establish its case, thereby violating the principles of natural justice and that it is just and necessary to provide an opportunity to the petitioner to establish its case on merits and in accordance with law.

9. For the reasons stated above, this Court is inclined to set-aside the impugned order dated 13.02.2025 passed by the second respondent with the following directions:

(i) The petitioner is directed to submit a fresh representation to the second respondent within a period of one week from the date of receipt of a copy of this order.



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(ii) Upon receipt of such representation submitted by the petitioner, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after giving due notice to the petitioner and after affording an opportunity of personal hearing to the petitioner, within a period of two weeks thereafter.

10. This Writ Petition is disposed of with the above observations and directions. No costs. Consequently, the connected miscellaneous petition is closed.

25-03-2025

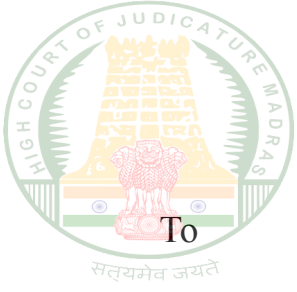
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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WEB COPY 1. State of Tamil Nadu

Through the Principal Secretary, Municipal Administration and Water Supply
Department,
Fort St George, Chennai 600 009.

2.Chennai Metropolitan Water Supply And Sewage Board
(through The Managing Director And Chairman)
Address At No 1, Pumping Station Road, Chintadripet, Chennai 600 002

3.M/s Gnanam Engineering Private Limited,
(through its Directors)
Registered Office At:
No 62 Paulwells Road, Sripuram Colony,
St. Thomas Mount, Kanchipuram, Saidapet, Tamil Nadu, India 600 016.
Also at 1/61-5 Ravi Colony (Ground Floor), 3rd Street,
St. Thomas Mount Chennai, India 600 016.



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**J.SATHYA NARAYANA
PRASAD J.**

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