



W.A.No.994 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.04.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.No.994 of 2025

1. The Chief General Manager (Contracts)
Indian Oil Corporation Ltd
South Regional Office
No.139, Uthamar Gandhi Salai
Chennai 600 034

2. The Chief Manager (Contracts)
Indian Oil Corporation Ltd
South Regional Office
No.139, Uthamar Gandhi Salai
Chennai 600 034

.. Appellants

v.

Peter & Miller Packers
Rep. by its Proprietor Mr.K.Ashokan
No.130, Ram Naicken Street
Royapuram
Chennai 600 013

.. Respondent

Memorandum of Grounds of Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 18.02.2025 passed in W.P.No.4803 of



W.A.No.994 of 2025

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For Appellants :: Mr.AR.L.Sundaresan
Additional Solicitor General of India
assisted by Mr.Mohammed Fayaz Ali

For Respondent :: Mr.K.S.Viswanathan
Senior Counsel for
Mrs.T.Hemalatha

JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM,J.)

The intra-Court appeal has been instituted challenging the writ order dated 18.02.2025 passed in W.P.No.4803 of 2025. The writ petition came to be instituted seeking a mandamus to the appellants to consider the representation of the respondent dated 06.02.2025 and re-verify, validate and approve the credentials of the respondent as MSE, both online in GeM profile and also in the bid documents being eligible under the preferential bidder category in respect of the bid document submitted by the respondent.

2. The writ Court adjudicated the issues and disposed of the writ petition on the following terms:-

“14. In view thereof, this writ petition is disposed of on the



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W.A.No.994 of 2025

following terms:

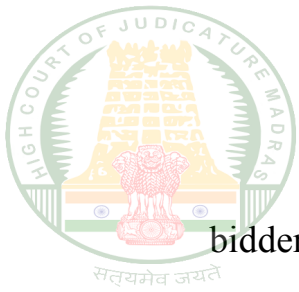
(i) The respondents are directed to consider the petitioner's bid under the MSE category notwithstanding the fact that the petitioner clicked in the online portal and consider his claim in accordance with law with reference to all other aspects and include him in the process of selection;

(ii) Needless to mention that the petitioner will be considered under MSE category for the purpose of price preference if the respondents find that he is otherwise eligible and is in order;

(iii) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.”

3. Not satisfied with the writ order, the Indian Oil Corporation Limited preferred the present writ appeal. This Court granted interim order and consequently the appellant-Indian Oil Corporation Limited opened the price bid.

4. The learned Senior Counsel Mr.K.S.Viswanathan appearing on behalf of the respondent would submit that the respondent is the last bidder and even in the absence of price preference and participating as a non-MSE



W.A.No.994 of 2025

bidder, he is considered as L-1 and the said position of the respondent has been displayed through online portal of Indian Oil Corporation Limited. In this regard, the respondent filed a sworn affidavit today (29.04.2025) after serving a copy to the other side. Paragraph-5 of the sworn affidavit filed by the respondent reads as under:-

“5. The writ petitioner/respondent hereby submits that he is not claiming any price preference as falling under MSE category and he is willing to participate in the bid under the Non-MSE category and abide by the procedure adopted by the appellant Corporation for confirmation of the bid. As presently announced by Appellant IOC as the Lowest Bidder (L-1).”

5. The learned Additional Solicitor General of India Mr.AR.L.Sundaresan assisted by Mr.Mohammed Fayaz Ali, on instructions, from Indian Oil Corporation Limited, made a submission that as per paragraph-5 of the sworn affidavit filed by the respondent, his case will be considered and appropriate orders will be passed by the appellants.



W.A.No.994 of 2025

WEB COPY

6. In view of the said submission made between the parties, the writ order impugned dated 18.02.2025 passed in W.P.No.4803 of 2025 is set aside and the writ appeal stands allowed with a direction to the appellants to consider the sworn affidavit filed by the respondent. Consequently, C.M.P.No.8150 of 2025 is closed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.M.S.,J.) (K.R.S.,J.)
29.04.2025

ss

To

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W.A.No.994 of 2025

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