



W.P.No.11497 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 01.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11497 of 2025

and

WMP.No.12988 of 2025

Mipalloy Private Limited
Represented by its Managing Director
Mr.Sumit Dhody
Registered Office at Plot Nos.C-14 & C-15
SIPCOT Industrial Park
Irrungattukottai 602 117
Sriperumbudur Taluk
Kancheepuram District
Tamil Nadu

... Petitioner

Vs.

- 1.The Chief Executive Officer
Government e-Market Place
3rd Floor Jeevan Bharti
Connaught Ln, Janpath
Connaught Place
New Delhi 110 001.
- 2.The Secretary
Union Ministry of Commerce & Industry
Room No.426, Vanijya Bhawan
New Delhi 110 011.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to give effect to petitioner business transfer deed dated 01.02.2025 and transfer all data, tender proposals, bid submissions and purchase orders from old Account No.806320001357263 of Mipalloy Proprietorship to Mipalloy Private Limited Account No.CXY9250012915015 and permit the petitioner Company to participate in tenders, auctions, submit invoices for supplies made against purchase orders issued and pass such other further order as this Court deems fit and proper in the circumstances of the case.

For Petitioner : Mr.Sanjay Pinto

For Respondents : M/s.Swetha Bharathi
P.Suresh for R1 (E-Market)

Mr.V.Ashok Kumar for R2
(CGSC)

ORDER

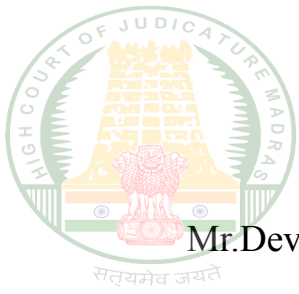
This Writ Petition is filed with a prayer of Writ of Mandamus directing the first respondent, namely, the Chief Executive Officer,



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Government E-Market place to give effect to the Business Transfer deed dated 01.02.2025 and transfer all data tender proposals, bid submissions and purchase orders from the old Account No.806320001357263 of Mipalloy, a proprietorship concern to that of the petitioner hearing namely Mipalloy Private Limited Account No.CXY9250012915015 and permit the petitioner company to participate in the tenders, auctions, submit invoices for the supplies made against the purchase orders issued and for other orders.

2. Upon hearing Mr.Sanjay Pinto, the learned counsel for the petitioner, M/s.Swetha Bharathi, the learned counsel for the first respondent and Mr.V.Ashok Kumar, the learned Central Government Standing Counsel for the second respondent and perusing the affidavit filed in support of the Writ Petition and the material records of the case, it can be seen that the grievance of the petitioner is that originally one Mr.Devendranath Dhody was running a concern by name Mipalloy as a proprietorship concern. He had participated in several tenders and other transactions through the first respondent portal. Several contracts are ongoing and there are certain liabilities as well as the amounts due to the said concern. The said



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Mr.Devendranath Dhody passed away on 11.01.2025 and as such it goes

without saying that the Class-I legal heirs of the said person inherited all the assets of the said company and the business has also the liabilities. However, they have all come to an Memorandum of family arrangement dated 21.01.2025 by which the business as well as all the assets and liabilities stood transferred to Mr.Sumit Dhody who later floated the corporate entity namely Mipalloy Private Limited.

3. As per the family arrangement, the other legal heirs, namely Usha Dhody, Manjari Dhody alias Swapna Khanna and Priya Malik transferred the entire business along with the assets and liabilities in favour of Mr.Summit Dhody. The said Mr.Summit Dhody in turn, had chosen to continue the business through a corporate entity, namely Mipalloy Private Limited for which he is the Managing Director and all the assets and liabilities of the said proprietorship business ultimately came to be vested to Mr.Summit Dhody which now stands transferred to the petitioner company namely Mipalloy Private Limited.



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4. Accordingly, the petitioner company being the transferee of the business of the erstwhile Mipalloy is a proprietorship concern, is entitled to continue those transactions where the said person has left both in terms of liabilities, facilities and assets. However, all the data, tender proposals, purchase orders were all not transferred from the old Account bearing No.806320001357263 to the new Account bearing No.CXY9250012915015 in spite of the request of the petitioner company. On top of it, the account of the corporate entity also stood frozen and therefore, the petitioner approached this Court on an emergent basis by way of this Writ Petition.

5. This Writ Petition came up for hearing on 27.03.2025 and the learned counsel was directed to serve notice through e-mail and the matter was adjourned to 28.03.2025. On the said date, Mr.V.Ashok Kumar the learned Central Government Standing Counsel for the second respondent took notice and sought further time to get instructions and as such the matter was posted today. The learned counsel also takes notice on behalf of the second



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respondent and submits that already the account of the private limited company has since been de-freezed and the said position is accepted by all the learned counsel.

6. The further grievance of the learned counsel for the petitioner is that the other prayers that are made in the Writ Petition namely to transfer all the data including the tender proposals, bid submissions and purchase orders etc., from the old account should be made to the new account. In response thereof, the learned counsel appearing on behalf of the first respondent would submit that the first respondent is only a portal/an intermediary. It is only the holder/processor of the data that is keyed in by the respective vendors/purchasers and it has no jurisdiction or duty to correct the said entries or the names that are made only by the respective persons.

7. The learned counsel would submit that in respect of the pending proposals/contracts, purchase orders etc., the petitioner company has to only approach the concerned buyers/vendors or the authority concerned and it is for that authority to make the appropriate entry in the data and that can

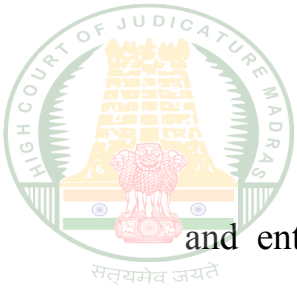


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only be carried out as and when the amendment is made to the existing contracts in the name of the petitioner being the corporate entity the same will be automatically carried out.

8. There can be no two opinion. The first respondent is only a portal it is neither the vendor nor the contracting party and it only provides a platform for the parties to come and it is only a facilitator of the transactions. Any contractor/vendor may take a view that the transaction is not transferable upon death of the original contractor. Therefore, it should be changed/amended by the concerned person/entity.

9. In view thereof, it will be open for the petitioner Company to approach the appropriate vendors whose names are also enlisted in paragraphs 12 to 15 of the Writ Petition. Even in respect of any other person also they can approach the concerned counterparts being the buyers, vendors or the project proponent etc. They can bring it to the notice that the petitioner namely Mipalloy Private Limited is the transferee in business and accordingly the said authority shall endeavour to make amendments to the respective proposals



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and enter such amended data which may be necessarily be with the first respondent portal also. As and when such attempt is made by the said third parties the first respondent may also facilitate the same. The facilitation in the sense that there should not be any non availability of options in the software for carrying out the consequential amendment.

10. The learned counsel submits that the PAN number will be differ and the login ID will be different. The only direction that can be given to the first respondent is that as and when the concerned authority having accepted the transfer of business to the petitioner corporate Company wants to amend the ongoing transaction by substituting the petitioner as their supplier or vendor or the bidder, as the case may be, automatically the facilitation should be done so that the petitioner should be able to access the concerned transaction by its login ID and using its PAN ID. The learned counsel for the petitioner would submit that to undertake this, the gem portal has to unblock the ID of the proprietary firm and the petitioner can make all the migrations from the said proprietorship account to that of the corporate company's account.



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11. It can be seen that once the Proprietor dies and that business

is taken over by some other entity the original ID which is granted only to the Proprietor cannot be unblocked or operated. But, however, if the concerned vendors agree with the petitioner to continue the business and if any name transfer or transfer of ID or the PAN number etc have to be changed, the parties themselves can undertake such change. If only it requires the change in the gem portal also in the sense that any transaction is ongoing, then the same need not be refused by the first respondent. The first respondent should facilitate, if there is no dispute between the petitioner and the third party purchaser.

12. With the above observations, this Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

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- To**
- 1.The Chief Executive Officer
Government e-Market Place
3rd Floor Jeevan Bharti
Connaught Ln, Janpath
Connaught Plance
New Delhi 110 001.
 - 2.The Secretary
Union Ministry of Commerce & Industry
Room No.426, Vanijya Bhawan
New Delhi 110 011.



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