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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 13383 of 2025
and WMP No. 14978 of 2025**

S Raja Contract
Proprietor Concern
Pre.by sole Proprietor Mr.S.Raja
Office at 1/22, Main Road,
Mazhavarayanallu, Cuddalore District
Tamilnadu

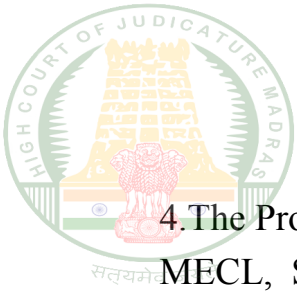
Petitioner(s)

Vs

1. The Secretary to the Government
Ministry of Coal and Mines,
Union of India, New Delhi.

2.The Chairman Cum Managing Director
MECL (Mineral Exploration Consultancy Ltd),
Dr. Baba Saheb Ambedkar Bhavan,
Seminary Hills, Nagpur City,
Maharashtra , Pin Code-44000006

3.The Buyer, Mineral Exploration and Consultancy Ltd (MECL)
Dr.Baba Saheb Ambekdar Bhavan,
Seminary Hills, Nagpur City,
Maharashtra, Pin Code-44000006.



4. The Project Manager

MECL, Sikkal Project 1/245,

North St, Near Bharat Maahal, Devipattinam,
Ramanathapuram, Tamil Nadu.

5. Oriental Associate Service Private Limited,

House No.205,

Rachana Matthura Apartment,

Mankpur Chowk, Nagbur,

Maharashtra- 440 030.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that the selection of the 5th respondent, and ineligible bidder, as the successful bidder in violation of clause 5 of the tender condition for the supply of manpower to carry out drilling work for the Tamil Nadu Sickle project, located in Ramanathapuram District, Tamil Nadu, in furtherance of Tender Notification Bid Number GEM Bid No. GEM / 2024/ B/ 5637342, dated 22.11.2024, is arbitrary, illegal and consequently direct respondents 1 to 4 to conduct the said tender process only among eligible bidders.

For Petitioner(s): Mr. P.R. Thiruneelakandan

For Respondent(s): Mr. M. Ramamoorthi
Senior Panel Counsel for R1

**ORDER**

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This writ petition has been filed for a declaration to declare the selection of the 5th respondent as the successful bidder as bad on the ground that it is in violation of Clause 5 of the tender conditions for supply of manpower to carry out drilling work for the Tamil Nadu Sickle Project at Ramanathapuram District, Tamil Nadu in furtherance of the tender notification dated 22.11.2024.

2.Heard Mr.P.R.Thiruneelakandan, learned counsel for the petitioner and Mr.M.Ramamoorthi, learned Senior Panel Counsel for R1.

3.The 2nd respondent issued an advertisement inviting tender applications for supply of manpower to carry out drilling work for the Tamil Nadu Sickle Project, located in Ramanathapuram District. Clause 5 of the tender condition specifically stated as follows:

5.Service & Support:**AVAILABILITY OF OFFICE OF SERVICE PROVIDER:**

An office of the Service Provider must be located in the state of Consignee. DOCUMENTARY EVIDENCE TO BE SUBMITTED.



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4. The petitioner submitted his bid along with others. However, the 5th respondent was awarded the contract and the grievance of the petitioner is that the 5th respondent service centres are located at Maharashtra, Uttar Pradesh, Haryana, Madhya Pradesh and Chhattisgarh and there is no office available in Tamil Nadu and inspite of the same, the contract was given in favour of the 5th respondent in violation of Clause 5 of the tender condition. It is under these circumstances, the present writ petition came to the filed before this Court.

5. The 5th respondent who is the successful bidder has been served with notice and their name has also been printed in the cause list and there is no appearance either in person or through counsel. Insofar as respondents 1 to 4 are concerned, no counter affidavit has been filed till date and this Court adjourned the writ petition atleast on three occasions. Therefore, this Court has to necessarily proceed further to pass orders with the available materials.

6. The short issue that arises for consideration is as to whether the contract awarded in favour of the 5th respondent is in violation of the tender condition.



7. Clause 5 of the tender condition which has been extracted supra makes it mandatory for the bidder to have the Office located in the State of the consignee. Documentary evidence must be submitted in this regard. With the available materials, it is seen that the Office of the 5th respondent is at Maharashtra and there is absolutely no documentary evidence to show that the 5th respondent has an office in Tamil Nadu.

8. The above condition is imposed only to ensure that the participant in the tender who ultimately is the service provider, is a person belonging to the concerned State, who will be able to provide man power. This condition is imposed across India and therefore, for instance a person who has his Office in Tamil Nadu, cannot participate in a tender held outside the State if he does not have the Office in that State. Therefore, in every other tender, the participation of the bidders will be restricted for the purpose of ensuring that this condition is complied with.



9. It is quite surprising that the contract has been awarded in favour of the 5th respondent, who does not have Office in the State of Tamil Nadu. Thus, it is clear that the contract has been awarded in favour of the 5th respondent in violation of the tender condition. Hence, it requires the interference of this Court.

10. In the result, the contract awarded in favour of the 5th respondent is declared as null and void and illegal and there shall be a direction to the respondents 1 to 4, to conduct a fresh tender process and award the contract in favour of the person who fulfills all the requirements.

This writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

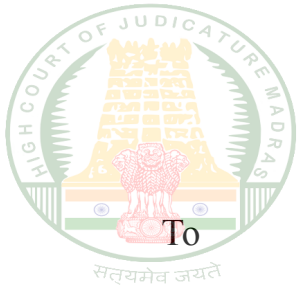
20-08-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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N.ANAND VENKATESH J.

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