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WP No. 19881 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 19881 of 2025
and WMP Nos.22428 & 22429 of 2025**

M/s. United Telecoms Ltd
Rep. By Its Authorized Signatory,
Having Registered Office At
No.18A/19, Doddanekundi Industrial Area,
Mahadevapura Post,
Bangalore -560048

Petitioner(s)

Vs

1. The Government Of Puducherry
Rep. By Its Secretary to Government,
Transport Department,
100 Feet Road, Mudaliarpet,
Puducherry-605004.

2.The Transport Commissioner
Government of Puducherry,
Transport Department,
100 Feet Road, Mudaliarpet,
Puducherry-605 004.



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Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Technical Evaluation dated 22.05.2025 of the 2nd Respondent in respect of Tender No.1212/TD/DLRC/2025 dated 07.02.2025 of the Respondents, in so far as it relates to the Petitioner M/s. United Telecoms Ltd., at Sl.No.2 of the said Minutes of the Meeting dated 22.05.2025 and Quash the same and consequently direct the Respondents herein to consider the Petitioner's financial price bid and award the contract for the work of "Selection of Service Provider for Centralized Printing of Registration Certificate and Driving License Cards and Supply and Maintenance of IT Registration for Transport Department in the Union Territory of Puducherry for a period of 5 years" to the Petitioner.

For Petitioner(s): Mr.A.R.L.Sundaresan
Senior Counsel
assisted by
Mr.L. Palani Muthu

For Respondent(s): Mr.R.Sreedhar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned Technical Evaluation dated 22.05.2025 of the 2nd respondent in respect of the Tender



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No.1212/TD/DLRC/2025 dated 07.02.2025 of the respondents, in so far as it relates to the Petitioner at Sl.No.2 of the said Minutes of the Meeting dated 22.05.2025 and for consequential direction to the respondents to consider the petitioner's financial price bid and award the contract for the work of Selection of Service Providers for Centralized Printing of Registration Certificate and Driving License Cards and Supply and Maintenance of IT Resources for Transport Department in the Union Territory of Puducherry for a period of 5 years.

2.Heard Mr.A.R.L.Sundaresan, learned Senior Counsel appearing on behalf of the petitioner and Mr.R.Sreedhar, learned Additional Government Pleader appearing on behalf of the respondents.

3.When the writ petition came up for hearing on 03.06.2025, this Court passed the following order:

*Mr.R.Sreedhar, learned Additional Government Pleader
takes notice on behalf of the respondents.*



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2. The subject matter of challenge in the present writ petition pertains to rejection of the technical bid submitted by the petitioner on two grounds. The first ground is that the petitioner has not submitted the laboratory certificate from the existing project or certificate from any approved agency for qualification as per Serial No.5 of Clause 3.11.2 of RFP.

3. Insofar as this ground is concerned, the learned Senior Counsel appearing on behalf of the petitioner brought to the notice of this Court the corrigendum that was issued, which clearly provides that the bidder can provide the compliance certificate approved by the Government before executing the agreement. It was further contended that the non submission of the compliance certificate at the stage of considering the technical bid is not fatal and that cannot be a ground for rejection of the technical bid.

4. The second ground, on which, the technical bid has been rejected is that the details towards the man power requirement called for in the format in TP4 has not been provided as per the Serial Nos.3 and 8 in Clause 3.11.2 of RFP.



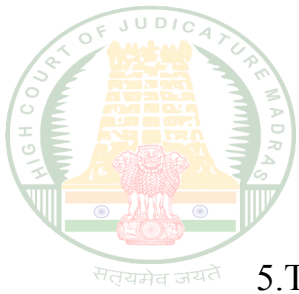
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5. *The learned Senior Counsel appearing on behalf of the petitioner pointed out to page nos.326 and 327 of the paper book and submitted that all the details were provided and this was not taken into consideration by the respondents.*

6. *The learned Additional Government Pleader appearing on behalf of the respondents submitted that the technical bid was cleared for two of the applicants and even the financial bid has been completed.*

7. *Considering the ground that has been raised by the petitioner and the materials placed before this Court and also taking into consideration the fact that the petitioner was a existing certificate provider, there shall be a direction to the respondents not to award the contract till the next date of hearing. In the meantime, the respondents shall file a counter affidavit. Post this writ petition on 10.06.2025 at the end of the motion list.*

4.This Court directed the respondents to file a counter and accordingly, counter affidavit has been filed along with typed set of papers.



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5.The two grounds on which the technical bid of the petitioner has been rejected are as follows:

a)The petitioner as a bidder did not submit the Laboratory Certificate from the existing project or Certificate from any approved agency for qualification whose PVC Cards should comply with the specification mentioned under MORTH Notification dated 01.03.2019 and the same is not in compliance with Serial No.5 of Clause 3.11.2 of the Request for Proposal (RFP) and

b)The details towards manpower requirement called for in the format in TP4 was not provided as per Serial No.3 and Serial No.8 in Clause 3.11.2 of RFP.

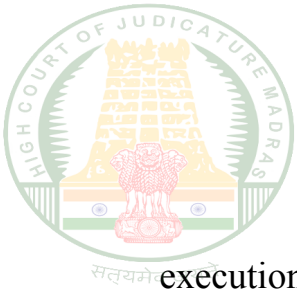
6.The learned Senior Counsel appearing on behalf of the petitioner submitted that insofar as the first violation pointed out by the respondents, the petitioner is an existing service provider and all the details are available with the respondents and that apart, as per the clarification that was provided during the



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pre-bid meeting such compliance certificate approved by the Government can be submitted even before the execution of the agreement. Therefore, there is no violation as was sought to be projected by the respondents. Insofar as the second violation that was pointed out by the impugned technical evaluation, the learned Senior Counsel submitted that the manpower requirements that were called for in form TP4 has been substantially complied with and to substantiate the same, the learned Senior Counsel brought to the notice of this Court various documents that have been annexed in the paper book.

7. The learned Additional Government Pleader appearing on behalf of the respondents submitted that in the pre-bid meeting, it was specially clarified that the bidder must submit the Laboratory Certificate from the existing project or Certificate from any approved agency for qualification. It was submitted that this requirement as a bidder was not satisfied by the petitioner and that the later portion of the clarification given pertains to a successful bidder who should submit the compliance certificate approved by the Government before the



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execution of the agreement. Hence, it was contended that the petitioner cannot take advantage of the requirement provided for the successful bidder and fail to comply with the minimum requirement as was provided under Clause 3.11.2 of RFP.

8. Insofar as the second ground that was put against the petitioner, the learned Additional Government Pleader pointed out to the format in which Format TP4 must be submitted and which is available at Page No.225 of the paper book. The learned Additional Government Pleader also pointed out to the typed set of papers filed by the respondents and brought to the notice of this Court, the manner in which such format was complied with by the other bidders. It was submitted that the petitioner did not submit the details towards manpower requirements in the format in TP4 and that by itself is a ground for the rejection of the technical bid as per Serial No.3, Serial No.5 and Serial No.8 in Clause 3.11.2 of RFP.



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9. In the considered view of this Court, the objections that have been raised by the respondents for rejection of the technical bid submitted by the petitioner has a lot of force. The first requirement that is put against the petitioner pertains to the Laboratory Certificate which has to be produced by the petitioner along with the technical bid. Even during the pre-bid meeting, a clarification was sought for on the specification and certification Laboratory Certificate towards compliance of MORTH Notification. It was made clear that the bidder has to submit the Laboratory Certificate from the existing project or Certificate from any approved agency for qualification. Admittedly, the petitioner did not satisfy this requirement. It is of no avail for the petitioner to state that he is an existing service provider and that all the earlier certificate issued is within the knowledge of the respondents and therefore, the non-compliance of this requirement, is too hyper-technical to forbid the petitioner from going through the technical bid.



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10.The terms and conditions of the notification binds both the parties and therefore, it is the duty of the bidder to satisfy the same and the bidder should not expect the authorities to satisfy themselves based on some records which is already available with the authority on the ground that the participant is an existing service provider. The existing service provider does not have any such privilege and is to be considered on par with all the other new bidders who are participating in the bid. Therefore, if the requirement of submitting the Laboratory Certificate from the existing project or Certificate from any approved agency for qualification has not been satisfied, that by itself is a ground to reject the technical bid.

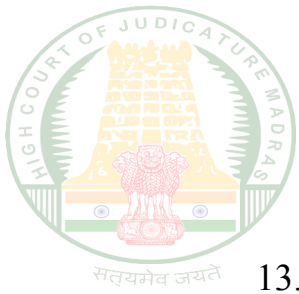
11.The next issue pertains to the non providing of the details towards manpower requirements in the Format in TP4. The format that is provided in TP4 is found at Page No.225 of the paper book. The bidder is supposed to provide the information regarding UT Level Nodal Persons, Technical Resource



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Persons and also the Data Entry Operators. Serial Nos.3, 5 and 8 in Clause 3.11.2 of RPF provides for the requirements to be satisfied. It is submitted on the side of the petitioner that there is substantial compliance. Whereas, it is seen from the typed set of papers filed by the respondents that every bidder has submitted the TP4 in the prescribed format except the petitioner. Hence, it is quite evident that the petitioner did not satisfy the condition by providing manpower requirements called for in the format in TP4.

12.The learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner has also given the financial bid and the petitioner has also submitted a representation to permit the petitioner to submit the relevant documents and to give the necessary information. The learned Senior Counsel submitted that the authorities are vested with the discretion under Clause 7.3.5 of the Manual for Procurement of Goods, 2024, issued by the Ministry of Finance, Government of India.



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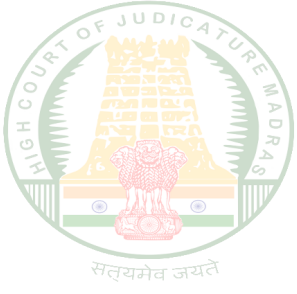
13.This Court has already found that the petitioner has not fulfill and the requirements as was pointed out in the impugned evaluation report. Therefore, there is no question of once again directing the respondents to exercise the discretion and consider the representation made by the petitioner.

14.This Court does not find any ground to interfere with the technical evaluation dated 22.05.2025 of the 2nd respondent and hence, the relief as sought for by the petitioner cannot be granted by this Court.

15.Accordingly, this writ petition stands dismissed. No Costs.
Consequently, connected miscellaneous petitions are closed.

16-06-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1.The Secretary To Government
Government Of Puducherry
Transport Department, 100 Feet Road,
Mudaliarpet, Puducherry-605004.

2.The Transport Commissioner
Government Of Puducherry,
Transport Department,
100 Feet Road, Mudaliarpet,
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N.ANAND VENKATESH J.

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