



WEB COPY

WP No. 21192 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 21192 of 2025

AND

WMP NOs. 23933 and 23934 OF 2025

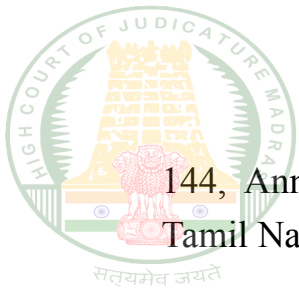
1. Operational Energy Group India
Private Ltd.,
Represented By Its Authorized
Signatory, S.V. Natarajan, A, 5th Floor,
Gokul Arcade- East Wing, No.2 And
2A, Sardar Patel Road, Adyar, Chennai-
600 020

Petitioner(s)

Vs

1. The Chairman And Managing
Director,
Tamil Nadu Generation And
Distribution Corporation Ltd., 6th
Floor, TANTRANSCO Building, 144,
Anna Salai, Chennai 600 002, Tamil
Nadu India.

2. The Director Distribution
Tamil Nadu Generation And
Distribution Corporation Ltd.,
5th Floor, TANTRANSCO Building,



144, Anna Salai, Chennai 600 002,
Tamil Nadu India.

WEB 3.Chief Engineer

Tamil Nadu Generation And
Distribution Corporation Ltd., IT And
RAPDRP 4th Floor, Southern Wing
New Tantransco Building, 144, Anna
Salai, Chennai-600 002, Tamil Nadu
India.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari to call for the records relating to the tender summary report of the 1st Respondent dated 05.06.2025 and quash the same as illegal, arbitrary and unreasonable and further direct the 1st Respondent to consider the bid submitted by the Petitioner on 28.04.2025 in accordance with law.

For Petitioner(s): Mr.Adith Narayan
Vijayaraghavan
For Respondent(s): Mr.P.S.Raman, Advocate General
Assisted by
Mr.D.R.Arun Kumar, Standing
Counsel Takes Notice For
Respondents

ORDER

This writ petition was filed challenging the tender summary report



of the 1st respondent dated 05.06.2025 and for a consequential direction to the 1st respondent to consider the bid submitted by the petitioner on 28.04.2025.

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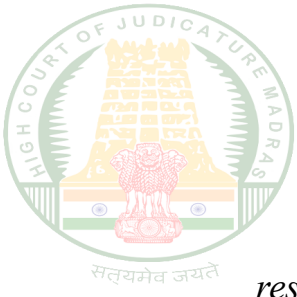
2. When the writ petition came up for hearing on 13.06.2025, this Court passed the following order:-

Mr.P.S.Raman, learned Advocate General, assisted by Mr.D.R.Arun Kumar, learned Standing Counsel, takes notice for respondents.

2. *This writ petition has been filed challenging the tender summary report of the first respondent dated 05.06.2025 and for a direction to the first respondent to consider the bid submitted by the petitioner on 28.04.2025.*

3. *On hearing the submission of the learned counsel for the petitioner and the learned Advocate General appearing on behalf of respondents, it is seen that the technical bid submitted by the petitioner is sought to be rejected on the ground that the petitioner did not satisfy the bid clarification requirement to the effect that the bidder company should have been registered under the Companies Act since last ten years as on the date of the tender opening. In the instant case, the petitioner is an existing service provider from February 2022. A prima facie material has been placed before this Court to the effect that the petitioner company was incorporated on 09.08.1994. It is also seen that apart from the petitioner, there is one more bidder, who has submitted the bid.*

4. *In the considered view of this Court, there are only two bidders and if the petitioner is going to be knocked out on a flimsy ground, there will be virtually no competition and that will not augur well for the competitive bid that is being considered by the respondents.*



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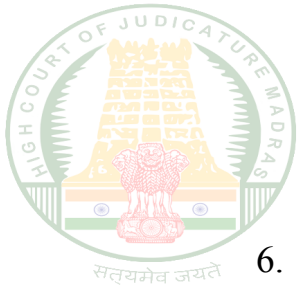
5. *In view of the above, there shall be a direction to the respondents not to open the financial bid till 18.06.2025. In the mean time, the respondents shall file counter.*

Post on 18.06.2025 at the end of the motion list.

3. Pursuant to the above order, the matter was listed for hearing today and the 3rd respondent has filed a counter affidavit. The 3rd respondent has taken a stand that in respect of the BQR condition, the petitioner has not furnished the copy of the certificate as documentary evidence i.e Certificate of Incorporation and thereby, has failed to satisfy the BQR condition (1) and therefore, the offer was rejected summarily for not providing the documentary evidence in support of the BQR. The 3rd respondent has also placed reliance upon clause 28 of the Tamil Nadu Transparency in Tender Rules, 2000. Accordingly, the respondents have sought for dismissal of this writ petition.

4. This Court has carefully considered the submissions made on either side and also perused the materials available on record.

5. The only ground on which the bid submitted by the petitioner has been summarily rejected is that the petitioner did not furnish the Certificate of Incorporation in order to substantiate that the petitioner has been registered under the Companies Act since last 10 years as on the date of the tender opening.

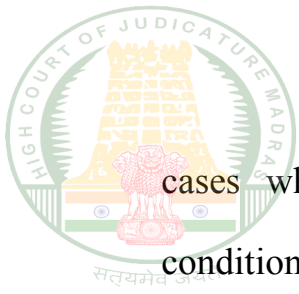


6. As was recorded in the earlier order, the petitioner is an existing service provider from February 2022 onwards. The petitioner in order to substantiate that they were incorporated on 09.08.1994 and hence, satisfied the requirements, submitted the data that is available in the website and which is found at Page 145 of the typed set of papers.

7. The fact that the petitioner is an existing service provider is not disputed and even while the petitioner was chosen for the same, the respondents are aware of the factum regarding the date of incorporation of the petitioner company. That apart, a valid document has been placed before the respondents showing that the date of incorporation of the petitioner company was on 09.08.1994. Therefore, it will be a hyper technicality to reject the bid of the petitioner on the ground that the petitioner did not submit the Certificate of Incorporation.

8. As was observed in the earlier order, there are only two bidders in this case and the petitioner should not be knocked off on such a hyper technical ground and it will ultimately result in no competition such a scenario will not be in the interest of the respondents.

9. It should be made clear that the case in hand is decided on its peculiar facts and this case cannot be cited as a precedent in future in all those



cases where documents are not presented as required under the tender conditions. Obviously, Clause 28 of the Tender Rules will hold the field.

Therefore, the present order is passed considering the fact the petitioner is an existing service provider and the petitioner has submitted a valid document to substantiate the fact that the petitioner company was incorporated on 09.08.1994 and only two bidders had participated in the auction.

10. In the light of the above discussion, the tender summary report of the 1st respondent dated 05.06.2025 is hereby quashed and there shall be a direction to the 1st respondent to consider the bid submitted by the petitioner on 28.04.2025 in accordance with law.

11. In the result, this writ petition is allowed with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

18-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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Distribution Corporation Ltd., 6th
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