



Writ Petition No.23586 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.23586 of 2025

and

W.M.P.Nos.26504, 26509 & 26513 of 2025

M/s.Eco Garb
No.5/1, Annasamy Lane,
Chennai - 600 002.
represented by its Managing Partner
Shanthi Srinivasan

Petitioner

Vs

1.M/s.Neyveli Lignite Corporation of India Ltd.,
Neyveli (NLCIL)
A Navarathna Government of India Enterprises
registered under the Indian Companies Act, 1956
by its General Manager, Township Administration,
Neyveli - 607 801. Cuddalore District, Tamil Nadu.

2.The Chief General Manager,
Township Administration,
Neyveli Lignite Corporation India Ltd.,
Neyveli - 607 801. Cuddalore District, Tamil Nadu.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records pertaining to issue of tender floated in online vide GeM No.GEM/2025/B/6309658 dated 04.06.2025 bearing Tender No.TA/22000838/RB/25-26 pertaining to the work namely Solid Waste Management services in



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Neyveli Township by M/s.Neyveli Lignite Corporation of India Ltd. Neyveli (NLCIL), A Navarathna Government of India Enterprises registered under the Indian Companies Act 1956 through its General Manager, Township Administration, Neyveli - 607 801, Cuddalore District, Tamil Nadu, the first respondent herein and quash the same.

For Petitioner : Mr.D.Ashokkumar
For Respondents : Mr.N.Nithyanandan,
Standing Counsel

ORDER

This writ petition has been filed challenging the tender floated by the Neyveli Lignite Corporation India Ltd. [for brevity 'NLC'] dated 04.06.2025 wherein the petitioner is not permitted to participate in the tender process.

2. Heard Mr.D.Ashokkumar, learned counsel for petitioner and Mr.N.Nithyanandan, learned Standing Counsel appearing for respondents.

3. The case of the petitioner is that they participated in the tender called for by NLC for the year 2021-22. The petitioner was a successful bidder and according to the petitioner, they also completed the work as per the schedule. The NLC had declined to release payment to



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the petitioner and the tender that was given in favour of the petitioner was also cancelled. The matter has been referred to arbitration and in the mean time, an application was filed under Section 9 in O.A.No.490 of 2025 before this Court for a direction to NLC not to blacklist the petitioner and not to prevent them from participating in the further tender process. An order was also passed by this Court on 30.04.2025 after recording the statement of learned Standing Counsel for NLC that if at all the petitioner is sought to be blacklisted, the same will not be done without affording opportunity to the petitioner.

4. The grievance of the petitioner is that in the mean time, a re-tender notification was issued by NLC and the petitioner was not allowed to participate in the same. Hence, according to the petitioner, on the one hand, the payment was not released and on the other hand, the petitioner was not allowed to participate in the tender process and thereby, an attempt is made by NLC to cripple the functioning of the petitioner company.

5. Learned Standing Counsel appearing for NLC submitted that if the contract granted earlier by NLC is terminated due to poor



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performance or due to non-compliance of the contract conditions, the concerned person/entity/firm cannot participate in the tender process. In fact, a declaration to that effect must be given by the participant as provided under Annexure XVIII. It is, therefore, submitted that the order passed in O.A.No.490 of 2025 dated 30.04.2025 does not really come to the aid of the petitioner and there are no merits in the present writ petition.

6. In the considered view of this Court, the termination of the earlier tender is already a subject matter of arbitration and in order to protect the petitioner from being blacklisted, this Court has passed an order on 30.04.2025 in O.A.No.490 of 2025 by recording the submission of the learned Standing Counsel for NLC that the petitioner will not be blacklisted without affording an opportunity. This original application is pending before the concerned Court.

7. On going through the tender floated by the NLC on 04.06.2025, it is seen that a person, whose contract was terminated earlier cannot participate in the tender and admittedly in this case, the re-tender itself was as a result of the termination of the earlier tender that



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was given in favour of the petitioner. In the light of this bar under the tender document, the petitioner cannot participate in the tender. The petitioner has to necessarily work out his remedy only in the pending original application with respect to the pending bills that are payable to the petitioner. A parallel order cannot be passed in this writ petition regarding the same.

8. In the light of the specific bar in the tender floated by NLC, the petitioner cannot participate in the tender and the cancellation of the earlier tender and the amounts that are due and payable to the petitioner has to be agitated in the pending application. Except giving this clarity, no further orders can be passed in this writ petition.

This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2025

Note : Issue order copy by 03.07.2025

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
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N.ANAND VENKATESH, J

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To

1.The General Manager,
M/s.Neyveli Lignite Corporation of India Ltd.,
Neyveli (NLCIL)
A Navarathna Government of India Enterprises
registered under the Indian Companies Act, 1956
Township Administration,
Neyveli - 607 801.
Cuddalore District, Tamil Nadu.

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