



W.P.Nos.27057 of 2021 and 5705 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.27057 of 2021 and 5705 of 2022

And

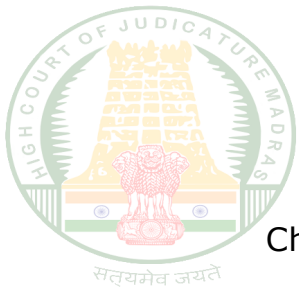
W.M.P.No.5801 of 2022

V Link Systems Private Limited
represented by its Director
R.Venkatramakrishnan
72/3 Harrington Road
Alsa Gardens,
II Floor, A Block, Alsa Crescent
Chetpet,
Chennai – 600 031.

... Petitioner in both the W.Ps.

Vs.

- 1 The Government of Tamilnadu
represented by the Home Secretary
Additional Chief Secretary to Government
Home Prohibition & Excise Department
Secretariat,
Chennai – 600 009.
- 2 The Director General of Police
(Head of Police Force)
Tamilnadu Police Department
Mylapore
Chennai – 600 004. ... Respondents in both the W.Ps.
- 3 The Additional Director General of Police
Technical Services
Tamilnadu Police
Mylapore



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Chennai – 600 004.

4 The Deputy Inspector General of Police

Technical Services

Tamilnadu Police

Mylapore

Chennai – 600 004.

... Respondents in W.P.27057/2021

Prayer in W.P.No.27057 of 2021:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to refrain from meting out discriminatory treatment to the petitioner by way of cancelling the tenders in which petitioner is declared as successful bidder, without any valid justification or by illegally withholding payment of EMD/Security Deposit due and payable to the petitioner and to consequently direct the respondents to return the EMD/Security Deposit amount to the petitioner to the tune of Rs.71,95,783/- due and payable to the petitioner herein, within a limited time frame as deemed fit by this Hon'ble Court.

Prayer in W.P.No.5705 of 2022:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in G.O.(D) No.871, Home (Modern) Department, dated 11.08.2021, quash the same.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.P.S.Raman
Advocate General
Assisted by
Mr.K.H.Ravikumar



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Government Advocate

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COMMON ORDER

W.P.No.27057 of 2021 has been filed seeking issuance of Writ of Mandamus directing the respondents to refrain from meting out discriminatory treatment to the petitioner by way of cancelling the tenders in which petitioner is declared as successful bidder, without any valid justification or by illegally withholding payment of EMD/Security Deposit due and payable to the petitioner and to consequently direct the respondents to return the EMD/Security Deposit amount to the petitioner to the tune of Rs.71,95,783/- due and payable to the petitioner, within a limited time frame.

2.W.P.No.5705 of 2022 has been filed seeking issuance of Writ of Certiorari calling for the records of the first respondent in G.O.(D) No.871, Home (Modern) Department, dated 11.08.2021, quash the same.

3.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.



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4.The learned counsel appearing for the petitioner submitted that the petitioner is a private limited company catering to the telecom requirements of various Government Organisations across India. The grievance of the petitioner is that though the petitioner was awarded many tenders by the respondents 3 and 4 and the petitioner has been consistently meeting out all the requirements including all the contractual obligations in full compliance of the tender conditions, from the year 2017 – 18, the petitioner has been consistently subjected to serious prejudice for strange reasons. The learned counsel further submitted that during the year 2016 – 17 and 2017 – 18, the petitioner was the successful bidder in five open press tenders to the tune of Rs.25 Crores, however, after a lapse of two to three years, the said tenders were cancelled by the respondents 3 and 4 and the respondents 3 and 4 also did not return the EMD/Security Deposit amount of Rs.71,95,783/- to the petitioner. Hence, the petitioner made representation to the respondents seeking refund of the EMD/Security Deposit deposited by the petitioner and since there is no response, the petitioner filed W.P.No.27057 of 2021.

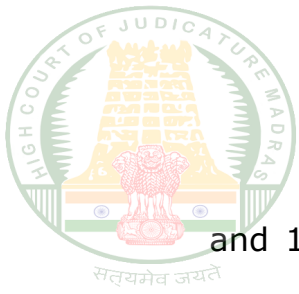
5.The learned counsel appearing for the petitioner further submitted that upon the request made by the second respondent to



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the Government to issue orders for banning the petitioner from the business dealings for the period of three years on the ground that the petitioner submitted false and forged document in order to get tender by deceitful means, the Government issued G.O.(D) No.871, Home (Modern) Department, dated 11.08.2021, banning the business dealing with the petitioner for a period of three years and aggrieved by the same, the petitioner filed W.P.No.5705 of 2022.

6.The learned Advocate General appearing for the respondents submitted that during the years 2015 and 2016, the second respondent awarded tender in favour of petitioner for purchase of 105 and 13 numbers of HF data modem under two bids system, upon perusing the tender document and believing that the tender document was genuine. Later on verification and scrutiny of the documents, it was found that the purchase order given by one M/s.ProsysCelnet Private Limited in favour of the petitioner for purchase of 12 numbers of HF Data Modem is not genuine and it appears that the experience certificate has been forged and submitted along with the tender documents only for the purpose of getting the tenders. Thereby, the impugned Government Order was issued and a case was registered by DVAC in FIR No.2/2020 under Sections 120B, 465, 468, 471 of IPC



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and 13(2) r/w 13(1) (c) & (d) of Prevention of Corruption Act, 1988 and 7, 7(A), 15 r/w 13 (1) (a) of Prevention of Corruption Act, 1988 as amended in 2018 against 14 Technical Officers and two firms viz., M/s.V.Link Systems (P) Limited/ petitioner and M/s.Lookman Electroplast Industries (P) Limited and after investigation, the Police Department has also filed charge sheet through e-filing on 15.03.2024 and the same culminated to C.C.No.259 of 2024 before the Special Court for Trial of Cases under the Prevention of Corruption Act, Chennai and the same is pending.

7.The learned Advocate General appearing for the respondents further submitted that if the petitioner is acquitted in C.C.No.259 of 2024, the impugned Government Order will be reconsidered and the EMD/Security Deposit amount will be refunded to the petitioner. Hence, without interfering with any of the observations made in the impugned Government Order, this Court may grant liberty to the petitioner to canvass all the points before the trial Court where the criminal case is pending and this Court may issue direction to the trial Court to decide the case in C.C.No.259 of 2024 independently, without being influenced by any of the observations made in the impugned Government Order. The learned Advocate General further submitted



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that the business dealing with the petitioner was banned only for a period of three years and the said period expired on 10.08.2024 and hence there is no legal impediment to the petitioner to participate in the future tender and the banning of the business dealing with the petitioner will not be held against the petitioner in future tender.

8.The submissions made by the learned Advocate General appearing for the respondents is recorded.

9.Admittedly, during the years 2015 and 2016, the petitioner was awarded tender for purchase of 105 and 13 numbers of HF data modem under two bids system. Later on verification and scrutiny of the documents, it was found that the purchase order given by one M/s.ProsysCelnet Private Limited in favour of the petitioner for purchase of 12 numbers of HF Data Modem is not genuine and that the experience certificate has been forged and submitted along with the tender documents, thereby, the impugned Government Order was issued banning the business dealing with the petitioner for a period of three years and the EMD/Security Deposit amount deposited by the petitioner was also not refunded to the petitioner.



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10. In view of the fair submissions made by the learned Advocate

General, this Court is inclined to dispose of these writ petitions on the following terms:

(i) If the petitioner succeeds in the case in C.C.No.259 of 2024, the State Government is directed to refund the EMD/Security Deposit amount forthwith, to the petitioner.

(ii) Without interfering with any of the observations made in the impugned Government Order, this Court grants liberty to the petitioner to canvass all the points before the trial Court where the criminal case is pending.

(iii) The trial Court is directed to decide the case in C.C.No.259 of 2024 independently, without being influenced by any of the observations made in the impugned Government Order and without being influenced by any of the observations made in this order.

(iv) Since the business dealing with the petitioner was banned only for a period of three years and the said period expired on 10.08.2024, there is no legal impediment for the petitioner to participate in the future tender.

(v) The tender awarding authority is directed to not to cite the earlier ban against the petitioner as a reason for rejecting the petitioner's future tender application.



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11.The writ petitions are disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No

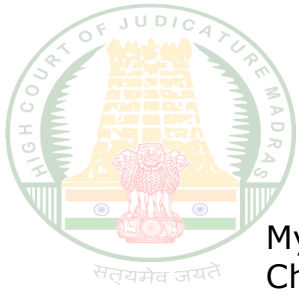
Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1 The Government of Tamilnadu
represented by the Home Secretary
Additional Chief Secretary to Government
Home Prohibition & Excise Department
Secretariat,
Chennai – 600 009.
- 2 The Director General of Police
(Head of Police Force)
Tamilnadu Police Department
Mylapore
Chennai – 600 004.
- 3 The Additional Director General of Police
Technical Services
Tamilnadu Police
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Chennai – 600 004.
- 4 The Deputy Inspector General of Police
Technical Services
Tamilnadu Police

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Mylapore
Chennai – 600 004.

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