



Writ Petition No.25894 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.25894 of 2025
and W.M.P.No.29119 of 2025

M/s.Swan Enterprises Private Limited,
rep.by its Senior Manager,
K.Srinivasan,
Having office at Nos.49 and 50,
SIDCO Industrial Estate,
Gummidipoondi, Tiruvallur District,
Tamil Nadu.

Petitioner

Vs

1.Bharat Petroleum Corporation Limited,
(BPCL) rep.by its Authorized Officer,
Kochi Refinery,
Post Bag No.2, Ambalamugal,
Kochi-682 302, Kerala.

2.Government E-Market Place (GeM),
Rep.by its CEO,
Jeevan Bharti Building,
Connaught Place,
New Delhi-110 001.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, to direct the respondents herein to re-verify and validate and approve the credentials of the petitioner as MSME both online in 2nd respondent portal and also in the bid documents



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beings eligible under the preferential bidder category in respect of the bid floated by the first respondent bearing bid No.GEM/2025/B/6298403 dated 02.06.2025, through the second respondent in order to enable the petitioner to participate in bid as a registered MSME for the purpose of availing preference.

For Petitioner : Mr.M.Venkadeshnan

For Respondents : Mr.M.Vijayamehanath [R1]
Mrs.Swetha Bharathi [R2]

ORDER

This writ petition has been filed challenging the bid floated by the first respondent dated 02.06.2025 through the second respondent.

2. Heard Mr.M.Venkadeshnan, learned counsel for petitioner, Mr.M.Vijayamehanath, learned counsel appearing for first respondent and Mrs.Swetha Bharathi, learned counsel appearing for second respondent.

3. In the present case, the bid has been floated by BPCL, Kochi and the contract is going to be allotted at Kochi, Kerala. The first respondent is taking the assistance of the second respondent for the purpose of conducting e-bid. Not a semblance of cause of action arose



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within the jurisdiction of this Court except for the fact that the petitioner is having their company at Gummidipoondi, Tamil Nadu. Hence, this writ petition has to be rejected mainly on the ground that this Court does not have the jurisdiction to entertain the same. Even where this Court exercises an extra territorial jurisdiction by virtue of Article 226(2) of the Constitution of India, a part of cause of action must have arisen within the jurisdiction of this Court. Not a bit of cause of action has arisen within the jurisdiction of this Court and the petitioner is attempting to justify the present writ petition on the ground that it is a e-auction. A e-auction does not give jurisdiction for all the High Courts across India to entertain the writ petitions. Ultimately, the Court has to see where the actual cause of action has arisen. The cause of action has arisen pursuant to the bid floated by the first respondent at Kochi through the second respondent and the work order is going to be given in Kochi. Therefore, this Court cannot exercise its jurisdiction under Article 226 of the Constitution of India. It is left to the petitioner to go before the concerned Court, which has jurisdiction and work out their remedy.

N.ANAND VENKATESH, J



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In the result, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

24.07.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1.The Authorized Officer,
Bharat Petroleum Corporation Limited (BPCL),
Kochi Refinery,
Post Bag No.2, Ambalamugal,
Kochi-682 302, Kerala.

2.The CEO,
Government E-Market Place (GeM),
Jeevan Bharti Building,
Connaught Place,
New Delhi-110 001.

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