



WEB COPY



W.P. No.29085 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.29085 of 2023

and

W.M.P. Nos.28676 and 28679 of 2023

TBS India Telematic and Biomedical
Services Private Limited
Rep. by The Chief Executive Officer,
5th Floor, Arden Fair, Pai Layout,
Near Tin Factory Old Madras Road,
Bangalore-560 016, Karnataka, India.

Petitioner

Vs

1. The State
The Secretary, Health Department,
Government of Puducherry,
Puducherry.

2.Mission Director
Puducherry State Health Society
2nd Floor, Health Directorate Complex,
Old Maternity Hospital,
Victor Simonal Street,
Puducherry-605 001.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records relating to the communication of the Second Respondent dated 2nd August 2023 in reference to Tender No. GEM / 2023 / B / 3580532 and quash the same and direct the first and the second respondents to consider the tender submitted by the petitioner with regard to comprehensive maintenance on merits.



For petitioner : Mr.R.C. Varsha
For respondents : Mr.Ramasamy Meyyappan
Government Advocate (Pondy)

ORDER

This writ petition has been filed to call for the records relating to the communication of the Second Respondent dated 2nd August 2023 in reference to Tender No. GEM / 2023 / B / 3580532 and quash the same and direct the 1st and the 2nd respondents to consider the tender submitted by the petitioner with regard to comprehensive maintenance on merits.

2. It is stated that in the year 2023, the National Health Mission, Union Territory of Puducherry, invited a tender through the GEM Portal for engaging the services of a Comprehensive Annual Maintenance Contract (AMC) for Biomedical Equipment in the health facilities of the Union Territory of Puducherry, and issued the bid document dated 04.02.2023. The petitioner, being a long-standing expert in the domain of biomedical equipment services for over 23 years, participated in the said tender. However, for reasons best known to the respondents, the 2nd respondent called off the said tender process.

3. Subsequently, a fresh tender dated 19.06.2023 was issued and the bids were opened later. Again, the petitioner firm participated in the tender by



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submitting all required documents. However, by communication dated 02.08.2023, the petitioner was informed that bidders, including consortium members, who have been blacklisted or debarred by the tender inviting authority or by any State or Central Government organisation, shall not be eligible to participate during the period of blacklisting, and accordingly, the petitioner's participation in the tender was not considered and the petitioner was disqualified at the stage of technical evaluation. Aggrieved by the said communication dated 02.08.2023, this writ petition has been filed with the aforesaid prayer.

4. Learned counsel for the petitioner submitted that the petitioner-company was never blacklisted or debarred by any authority, and therefore, the disqualification communicated on 02.08.2023 was arbitrary and unsustainable. On instructions, he fairly submitted that the writ petition may be closed with liberty to the petitioner to participate in the fresh tender process, which was proposed to be initiated by the 2nd respondent Society as the averments mentioned in paragraphs Nos.8 and 9 of the counter affidavit was accepted by the petitioner.



5. Learned Government Advocate appearing for the respondents submitted that the communication dated 02.08.2023 was not a tender process by itself, but only a communication relating to technical disqualification. He further submitted that the tender process had progressed thereafter, and the entire process of finalisation of the tender was completed on 09.10.2023. He also submitted that the tender had elapsed upon completion of its validity period, and the financial bids of the remaining eligible bidders were opened and finalised. However, he submitted that the petitioner is at liberty to participate in the said fresh tender process and suitable directions may be issued.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. On perusal of paragraph Nos. 8 and 9 of the counter affidavit, it is evident that the impugned tender process has already been concluded and has elapsed, and further that the respondent Society has proposed to initiate a fresh tender process for empanelment of biomedical equipment service providers. On reading the lines, it is clear that a specific averment is made in the counter filed by the 2nd respondent that the petitioner shall be permitted to participate in the fresh tender process, subject to compliance with the terms and conditions prescribed therein.



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8. Considering the facts and submissions made by learned counsel on either side, and since the impugned tender process has already elapsed, this Court is of the view that no further adjudication is required in the present writ petition. Accordingly, the writ petition stands closed, recording the statement of the 2nd respondent that a fresh tender will be initiated, and granting liberty to the petitioner to participate in the said fresh tender process, subject to fulfillment of the eligibility criteria and terms and conditions prescribed therein. No costs. Consequently, connected miscellaneous petitions are also closed.

12.11.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

To

1. The State
The Secretary, Health Department,
Government of Puducherry,
Puducherry.

2. Mission Director
Puducherry State Health Society
2nd Floor, Health Directorate Complex,
Old Maternity Hospital,
Victor Simonal Street,
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