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WP No. 34093 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-09-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 34093 of 2025 &
W.M.P.Nos.38247 and 38248 of 2025**

Sakthi Aviation And Defence Systems
Private Limited
Rep. By Its Director Vaibhav, No.180,
Race Course Road, Coimbatore
Racecourse, Coimbatore South,
Coimabto-re-641 018.

Petitioner

Vs

1. The Airport Authority Of India
Rep. By Its Airport Director Chennai
International Airport, Meenambakkam,
Chennai-600 027

2.The Bid Manager
O/o.The Airport Authority Of India,
Chennai International Airport,
Meenambakkam, Chennai-600 027.

Respondents

**PRAYER**

Writ Petition filed under Article 226 Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 03.09.2025 and on various previous dates in person and to include the petitioner in the technical bid to be held on 08.09.2025

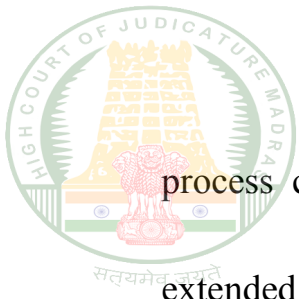
For Petitioner: Mr.S.Prabakaran, Sr.Counsel for
Mr. MA.Gouthaman

For Respondents: Mr.K.Venkatesan

ORDER

This Writ Petition has been filed to direct the respondents to consider the representation of the petitioner dated 03.09.2025 and the representation given on on various previous dates in person and to include the petitioner in the technical bid to be held on 08.09.2025.

2. The learned senior counsel appearing for the petitioner would submit that the petitioner's company namely, M/s Sakthi Aviation & Defence Systems Private Limited incorporated under Companies Act focused on aerospace, defence and aviation related services. The respondents have floated a tender for ground handling services at Airport by virtue of a tender notification dated 03.07.2025. The said notification was uploaded and published in the website of the Airport Authorities of India and it was mentioned in the schedule that the bid



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process commences from 03.07.2025 at 18.00 hrs and subsequently, it was extended up to 18.08.2025 at 17.00 hrs. Though the petitioner uploaded the tender document on 15.08.2025, however, with regard to the payment of fees, when he tried to pay the fees on 18.08.2025 at 4.54 p.m., however, due to server error, though the petitioner was able to pay the EMD amount, however, the application is not successful before 17.00 hrs. Further, the petitioner's application [soft copy] and EMD amount are readily available with the respondents and this Court may issue a direction to the respondents to consider the petitioner's application and pass appropriate orders. In support of his contention, he relied upon the decision of **Hon'ble Division Bench of Delhi High Court [Adhani Global Air Cargo Solutions Pvt., Ltd., & Anr. Vs. Union of India and Others]** in W.P.(C) No.15983/2024 CM Appl.67132/2024 to 67134/2024.

3. Per contra, the learned counsel appearing for the respondents would submit that the request for proposal for the tender process, clause 2.15 and Clause 6 and various other clauses clearly indicates that it is the bidder's responsibility to ensure that all documents are uploaded successfully and on



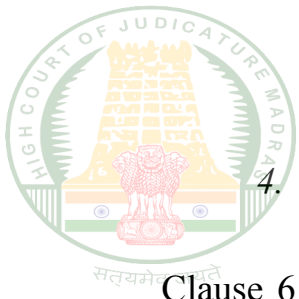
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time and to verify the status of their submission. Further, the bidders are advised to prepare and submit the documents well in advance of the deadline to avoid last-minute issues and clause 6 indicates that only upon successful submission, the bidder would receive an auto generated message with bid summary with bid number and time of submission and the same is the proof of acknowledgement. Though the time of submission was from 03.07.2025 to 18.08.2025, in the petitioner's case, the petitioner alleges to have submitted the bid before the closing time, however, the same was not received by the respondents, hence resulted as an invalid submission by the online portal, which was candidly elaborated in Clause 2.15 late bids as follows, hence the Writ petition is not maintainable and liable to be dismissed:-

“2.15 Late Bids

2.15.1 Bids received by the authority after the specified time on the bid due date shall not be eligible for consideration and shall be summarily rejected. The authority will not be responsible for any delay in receipt of bids.

2.15.2 Once the bid submission date and time is over, the bidder cannot submit his/her bid. Bidder has to start the bid submission well in advance so that the submission process passes off smoothly. The bidder will only be held responsible if his / her Bid is not submitted in time due to any of his / her problems / faults. For whatsoever reason, during bid submission process”.



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4. The learned counsel for the respondents further submitted as per Clause 6 of the Request For Proposal, the allegation of the petitioner that the server was slow and other reasons are not maintainable, wherein the relevant portion is extracted as follows:-

“ The bidder, in advance, should get ready the bid documents to be submitted as indicated in the tender document / schedule ----- the bidder should log into the site well in advance for bid submission so that they can upload the bid on time, i.e, at or before bid submission time. Bidder will be responsible for any delay due to other reasons ”

5. That apart, the learned counsel for the respondents contended that the petitioner has sent an email to the respondents on 18.08.2025 evening after the bid submission time was over, in which, the petitioner has submitted that **they have not submitted the bid and is there way to do it after the bid time over.**

Moreover, even as per the petitioner's document, the technical bid opening date is 01.09.2025 and the same is already opened and the scrutiny process is going on. The petitioner's email is on 03.09.2025, which is after the opening of the technical bid and it is a global tender invite for bidders from world, where everything is online and automated to avoid human intervention to ensure



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fairness and transparency, hence the petitioner's prayer at the belated stage, cannot be accepted. The Airport Authority of India has provided technical helpdesk support for any issues relating to the e-procurement portal along with contact numbers and email addressess. The petitioner admits that they waited for few days to get the acknowledgement for their submission and have wrongly assumed that their forms were submitted successfully though they have admitted that their submission were not successful. Besides the above, the petitioner's claim regarding being prevented from participating due to website issues are not fully supported by their own statements of timely upload, accordingly prayed for dismissal of the writ petition.

6. In addition to the above, the learned counsel for the respondents submitted that even as per E-mail communication from the petitioner to the respondents, would clearly reveal that there is no valid application made by the petitioner, in the absence of any valid application, prayer sought by the petitioner cannot be granted.



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7. In response, the learned senior counsel for the petitioner would submit that this Court may need not issue a positive direction to the respondents to accept the application made by the petitioner, taking note of the fact that it is a commercial project, in fact, if the respondents have any discretionary power, the respondents may exercise the said discretionary power and may consider and pass appropriate orders.

8. On perusal of the entire materials placed on record, it reveals that the petitioner has not made valid application with the respondents before 18.08.2025 5.00 p.m., and even as per the petitioner's email communication, it reveals that they have not submitted the proper application with the respondents to enable the respondents to consider the petitioner's application along with other successful applicants. However, considering the limited request made by the learned senior counsel appearing for the petitioner and in view of the decision relied upon by the learned counsel for the petitioners referred supra, [the relevant portions are extracted hereunder]

“60. On the next date, the petitioner had also forwarded



screenshots setting out its history of accessing the e-procurement portal, which reflects multiple logins attempts by the petitioner. It is also relevant to note that ACLASCL has received bids from only three bidders and exclusion of the petitioner from the bidding process has significantly reduced the pool of competitors.”

61. Whilst this court finds no ground to interfere with the bidding process, given the limited scope of judicial review, it is necessary to clarify that ACLASCL is not precluded, from considering that despite the petitioner's bonafide attempts, it had failed to upload its bid, and from taking an appropriate decision in its commercial interest.”

if the respondents are vested with any discretionary power, by exercising such discretionary power, the respondents shall consider the case of the petitioner and pass appropriate orders as expeditiously as possible.

With the above observations, the Writ Petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

11-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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M.DHANDAPANI J.

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