IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 410 of 2026
and
WMP Nos.482 to 485 of 2026

M/s. Rajvijay Associate Pvt. Ltd.,
Rep. by its Managing Director,
V.Seenuvasamoorthy,
No.5 , Karuvadikuppam Road,
Senthamarai Nagar,
Muthialpet,
Puducherry -605 003

..Petitioner(s)

Vs

1. The Government Of Puducherry
   Rep. by its Secretary,
   Department of Social Welfare,
   Chief Secretariat,
   Puducherry -605 001

2. The Director
   Directorate of Social welfare,
   Government of Puducherry,
   No.1, Main Road, Saradhambal Nagar,
   Puducherry -605 005

..Respondent(s)

Prayer: This petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records relating to the Tender Cancellation Notice dated 18.12.2025 in No.2(10)/

DSW/ DD/ HW-3/ 2025- 26 issued by the 2nd respondent and quash the same as illegal, and consequently direct the respondents to award tender to the petitioner as per Notice Reference No. 2(10)/ DSW/ DD/ HW-3/ 2025- 26 dated 29.08.2025.

For Petitioner(s):	Mr.K.Sasindran
For Respondent(s):	Mr.R.Sreedhar Additional Government Pleader (Puducherry)

ORDER

This writ petition has been filed for the following relief:

> "To issue a writ of certiorarified mandamus, calling for the records relating to the Tender Cancellation notice dated 18.12.2025 in No. 2(10)/ DSW/ DD/ HW-3/ 2025- 26 issued by the 2nd respondent and quash the same as illegal, and consequently direct the respondents to award tender to the petitioner as per Notice Reference No. 2(10)/ DSW/ DD/ HW-3/ 2025- 26 dated 29.08.2025."

2. The petitioner which is a Company registered under the provisions of the Companies Act. He is an authorized dealer of TVS Company and engaged in selling two wheeler manufactured by TVS Company. The petitioner has carved a niche for itself throughout the Union Territory of Puducherry and Cuddalore and Villupuram District of Tamil Nadu.

3. The Government of Puducherry had formed a scheme namely Supply of Motorized Tricycle(invalid carriage) for free distribution to the differently abled persons of Union Territory of Puducherry. The scheme was intended to distribute free motorized tricycles to poor and eligible differently abled persons in the Union Territory. The Government through the Social Welfare Department publishes e-tender notices calling for tender from the eligible persons. The petitioner's company has been the successful tenderer for the past few years and has been effectively supplying without any default or complaint from any quarter.

4. While so on 08.08.2025, the 2nd respondent had issued an e-tender notice inviting bids for the supply of invalid carriage Tri-cycle with a retro fitment for differently abled persons (Adapative Vehicle) from the manufacturers and the authorized dealers. As per the tender notice, the submission of the tender /bid commenced on 11.08.2025 at 09.00 am and the last date of submission of the tender on-line was on 02.09.2025 at 4.00p.m. A pre-bid meeting was scheduled on 25.08.2025 and the tender document further provided that the opening of the technical bids online by the Committee would be held on 03.09.2025 at 11.00am.

5. The petitioner submitted that they had attempted to submit their tender on-line, but could not do it since the on-line portal was not accepting it, despite the fact that the last date for submission of the tender was 02.09.2025. Therefore, the petitioner sent an e-mail to the 2nd respondent mentioning the difficulties faced by them. The 2nd respondent instructed the petitioner to participate in the pre-bid meeting. Accordingly, the petitioner had participated in the said meeting and in the said pre-bid meeting, the officials of Hero Motorcycle Manufacturing Company insisted that the 2nd respondent should change the CC of the engine by 1 CC tolerance since they did not have any scooter in the range of 75CC to 100CC. Therefore, the petitioner found that the officials of the Motorcycle Manufacturing Company were attempting to influence the respondents.

6. The 2nd respondent had issued a re-tender Notice dated 29.08.2025 in their website calling for tenders for the very same equipment. The date for submission of bids was re-scheduled to 01.09.2025 at 03.00pm and the last date for submission of the re-tender notice was fixed on 17.09.2025 at 05.00pm. The petitioner found that the engine CC had been changed in the re-tender notice and the petitioner

therefore filed W.P.No.35551 of 2025 before this Court challenging the Re-tender Notice dated 29.08.2025. The said writ petition was dismissed on 17.09.2025 on the ground that it was premature. Apart from the petitioner, another Company, namely M/s.Radjamani Motors had participated in the tender process. On 18.09.2025, the Purchase Committee opened the technical bid and evaluated the two bidders. They concluded that the petitioner had cleared the technical evaluation and was qualified for the financial bid. The petitioner was directed by the 2nd respondent to submit one sample vehicle with retro fitment as per Condition No.4 of the Notification and the petitioner produced the sample. However, for the reasons best known, the Letter of Acceptance was not issued to the petitioner. The 2nd respondent orally informed the petitioner to revise the tender quoted price since there was a change in GST slab. Though the said request was unsustainable, the petitioner, by letter dated 15.12.2025, reduced the price by Rs.2,000/- per vehicle as against the Tender Quoted price. Despite this, all of a sudden, by order dated 18.12.2025, the 2nd respondent cancelled the tender. Aggrieved by the same, the petitioner is before this Court.

7. The respondents would submit that since the petitioner was the single tenderer was found eligible and as the price quoted reflected a discrepancy when compared to pre and post GST rates, the Finance Department recommended the cancellation of the re-tender and directed that a fresh tender be floated on the Government e-Market place and in compliance of the same, the earlier tender was cancelled and steps were initiated to notify a fresh tender. However, the bids could not be finalized in view of the interim order passed by this Court. The respondents would further submit that the decision to cancel the re-tender was taken in the interest of the State exchequer, since the discrepancy in GST would have a financial impact on the respondents. Therefore, a conscious decision was taken to cancel the tender.

8. This Court had directed the respondents to produce the minutes of the meeting under which it was decided to cancel the tender. The same has been produced today. A perusal of the same clearly shows that the Minister for Social Welfare had recommended that since the tender had been notified prior to the implementation of GST reforms, the price quoted in the existing tender may no longer reflect the current market price. The

Minister had directed the Finance Department to consider two issues, namely: (a) the single tender situation, and (b) the post-GST reduction in vehicle prices. It was therefore observed that the earlier quotations may not be admissible. The Directorate of Social Welfare, which had notified the tender, furnished a clarification stating that as per the terms of the agreement, particularly Clause 6 (ii) of the Notice Inviting Re-Tender, the price once fixed cannot be altered during the schedule of delivery and shall not be affected by any increase or decrease in taxes or duties. With reference to the issue of a single tender, the Director had clarified that the tender process had resulted in a single qualified bidder as the other bidder was disqualified.

9. However, the above will not in any manner justify the decision to go in for a re-tender, particularly when the petitioner has been effecting supplies to the respondents for several years. The respondents have also understood that the change in GST will not affect the contract, by relying upon Clause 6(2) of the Notice Inviting Tender. Further, it is seen that the petitioner, at the request of the respondents, had reduced the price by Rs.2,000/- per vehicle.

10. In the light of the above discussion, this Court is of the view that the impugned Tender Cancellation Notice dated 18.12.2025 issued by the 2nd respondent cannot be sustained and is liable to be set aside. Accordingly, the same is quashed. Consequently, the respondents are directed to proceed with the tender process pursuant to the Notice Inviting Tender bearing Reference No. 2(10)/DSW/DD/HW-3/2025-26 dated 29.08.2025 and award the tender to the petitioner, if the petitioner is otherwise found eligible and fulfils all required conditions, within a period of four weeks from the date of receipt of a copy of this order. The Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

17-02-2026

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

SRN

To

1. The Secretary,
   Government Of Puducherry
   Department of Social Welfare,
   Chief Secretariat,
   Puducherry 605 001

2. The Director
   Directorate of social welfare,
   Government of Puducherry,
   No.1, Main Road, Saradhambal Nagar,
   Puducherry 605 005

P.T.ASHA J.

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