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Writ Petition No.9413 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2026

Coram

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Writ Petition No.9413 of 2026

&

W.M.P.Nos.10130 to 10132 of 2026

Proclime Services Private Limited
Hi Street-905, Workafella
431, Anna Salai, Teynampet
Chennai – 600 018.
Rep. By its Director & CEO
Mr.Kavinkumar

.. Petitioner

Vs.

1. The Deputy Director,
Sathyamangalam Division,
Forest Department, Govt. of Tamil Nadu,
Sathyamangalam Tiger Reserve,
Sathyamangalam, Erode.
2. Varaha Climate AG Private Limited,
1st Floor, Building No.10, Poorvi Marg,
Sector 25, DLF Ph-II, Gurgaon,
Haryana – 122 008.
3. Yukra Projects Private Limited,
No.589, 1st D Main Road,
9th Block 2nd Stage,
Nagarbhavi, Bangalore – 560 072.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent in the impugned Tender Summary Report dated 02.03.2026, arising out of the Request for Proposal (RFP) in respect of 'Selection of a Project Developer and Manager for the Establishment, Operation and Maintenance of a Biochar Plant using invasive Species Biomass under a Voluntary Carbon Market Framework' in Ref.No. SMMDIV/1640/2025 dated 03.12.2025 (Tender ID.2025_TNFD_628664_1) and quash the same and consequently award the Tender in Ref.No. SMMDIV/1640/2025 dated 03.12.2025 (Tender ID.2025_TNFD_628664_1) to the petitioner.

For Petitioner : Mr.R.Palaniandavan
For Respondents : Dr.T.Seenivasan
Special Government Pleader [R1]
Mr.Sathish Parasaran, Senior Counsel
for Ms.Durga Bhatt [R2]
Given up [R3]

ORDER

Learned counsel for petitioner is giving up the third respondent in this writ petition and he has also made an endorsement to that effect in the Court bundle.

2. Accordingly, this writ petition is dismissed as not pressed in respect of the third respondent.



3. This writ petition has been filed challenging the impugned tender summary report dated 02.03.2026 issued by first respondent rejecting the petitioner's bid pursuant to the Request for Proposal [RFP] published by the first respondent in respect of 'Selection of a Project Developer and Manager for the Establishment, Operation and Maintenance of a Biochar Plant using invasive Species Biomass under a Voluntary Carbon Market Framework' dated 03.12.2025.

4. Learned counsel for petitioner drew the attention of this Court to the definitions provided under the RFP, more particularly, to the definition of "successful bidder" or "selected bidder" and the same reads as follows:

“(e) “**Successful Bidder**” or “**Selected Bidder**” means the Bidder whose Proposal is ranked first (H1) after evaluation under the Quality-cum-Cost-Based Selection (QCBS) process described in this RFP, and who is issued the Letter of Award (LoA) by the Authority.”

5. Learned counsel also drew the attention of this Court to Clauses 5.1.6 and 5.7.1 of the RFP, which read as follows:

5.1.6 The Bidder with the highest score in the evaluation process will be deemed the Successful Bidder as per the RFP, or any Bidder selected in accordance with Paras 5.6 to 5.7.



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5.7.1 For Technically Qualified Bidders, the Financial scores will be calculated as

$$F_N = F_{\text{Min}} / F_B \times 100$$

F_N = Normalized financial score of the bidder
 F_B = Evaluated cost for the bidder
 F_{MIN} = Minimum evaluated cost for any bidder

Both the Technical Bid mark & Price Bid mark will be added to arrive at the total mark as follows:

$$B_N = (0.7 \times T_N) + (0.3 \times F_N)$$

B_N = overall score of bidders under consideration
 T_N = Normalized technical score for the bidder
 F_N = Normalized financial score of the bidder

The total mark will be arranged in descending order. The Highest scorer (H1) will be declared as the Successful Bidder.

6. Learned counsel also drew the attention of this Court to the summary evaluation sheet dated 02.03.2026 of the first respondent, which reads as follows:

Summary Evaluation Sheet										
Bidders	Technical Score (T)	Normalised Technical Score(N)	Weight (W)	N*W	Price	Financial Score (F)	Weight (W)	F*W	Total Score	Bid Rank
Proclime Services Private Limited	80.130	100.000	0.700	70.000	84557022.500	81.010	0.300	24.303	94.303	H1
Varaha ClimateAg Pvt. Ltd.	70.800	88.356	0.700	61.849	68500000.000	100.000	0.300	30.000	91.849	H2



7. Relying upon the aforesaid clauses under the RFP as well as the summary evaluation sheet of the first respondent, learned counsel for petitioner would submit that the petitioner having been adjudged as H1 bidder as per the summary evaluation sheet, the petitioner ought to have been awarded the contract. According to him, arbitrarily and illegally, the first respondent under the impugned order dated 02.03.2026 has awarded the contract to H2 bidder viz., the second respondent herein. Learned counsel also apprehends that the contract is likely to be entered into between the first respondent and the second respondent in which event the petitioner will be put to irreparable loss and hardship and it will also not be in public interest.

8. Dr.T.Seenivasan, learned Special Government Pleader, accepts notice on behalf of first respondent. Learned Special Government Pleader, on instructions, would submit that since the financial position of the petitioner when compared to the financial position of the second respondent is bad, there became a necessity for the first respondent, based on expert opinion report obtained by IIT/Anna University Professors, to award the contract to H2 bidder instead of the petitioner. In support of the same, learned Special Government Pleader appearing for the first respondent



placed reliance on the expert opinion report of the Professors from Anna University/IIT. Learned Special Government Pleader would also submit that the petitioner is having an appellate remedy, if aggrieved by the impugned order and therefore, this writ petition is not maintainable.

9. Ms.Durga Bhatt, learned counsel, who is appearing through video conferencing, undertakes to file vakalath on behalf of the second respondent.

10. Since the petitioner has placed on record certain documents, which have been relied upon by the learned counsel for petitioner in support of his case that despite being declared as H1 bidder, the first respondent has awarded contract to second respondent, this Court, without expressing any opinion on the merits of the respective contentions, directs the petitioner to file an appeal before the competent authority as provided under the tender conditions as against the impugned order within a time frame to be fixed by this Court and the competent authority shall dispose of the appeal within the time prescribed under The Tamil Nadu Transparency In Tenders Act, 1998. The relevant clauses and the impugned order, which have been extracted by this Court in the earlier part of this order while recording the submission



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made by the learned counsel for the petitioner impels this Court to protect the interest of the petitioner till the disposal of the appeal to be filed by petitioner without expressing any opinion on the merits of the respective contentions as this Court has not heard the respondents at length and has also not given any due consideration to the supporting documents, if any, that may be filed by respondents to their advantage in the near future.

11. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to file an appeal as against the impugned order dated 02.03.2026 passed by the first respondent before the Secretary to Government (Environment and Forest) on or before 13.03.2026 and on receipt of the said appeal, the appellate authority viz., Secretary to Government (Environment and Forest) shall dispose of the said appeal uninfluenced by any of the observations made by this Court in the order within a period of 15 days as stipulated under Section 11 of The Tamil Nadu Transparency In Tenders Act, 1998, after hearing the objections of all the necessary parties which includes the second respondent and by adhering to the principles of natural justice. Till final orders are passed by the Secretary



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ABDUL QUDDHOSE, J

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to Government (Environment and Forest) in the appeal filed by the petitioner, the first respondent shall not enter into a formal contract with the second respondent pursuant to the passing of the impugned order dated 02.03.2026. This Court makes it very clear that this Court has not gone into the merits of the contentions of either side in this order. No costs. Consequently, connected miscellaneous petitions are closed.

09.03.2026

Index: Yes/No

NCC:Yes/No

Speaking Order/Non-speaking Order

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To

1.The Secretary to Government
(Environment & Forest)
Government of Tamil Nadu.

2.The Deputy Director
Sathyamangalam Division
Forest Department, Govt. of Tamil Nadu
Sathyamangalam Tiger Reserve
Sathyamangalam, Erode.

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