



W.P.No.10973 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.10973 of 2026

and WMP Nos.11902, 11900 and 11901 of 2026

Innovatiview India Limited
Plot No.A-82, BLK-A, Naraina Ind.Area Phase I
Landmark Jumma Park,
Delhi - 110 028
through its Authorised Representative
Prashant Rathore

Petitioner(s)

Vs

1. The Additional Chief Electoral officer and
Additional secretary to Government
Public (Elections) Department
Secretariat, Chennai-600 009, Tamilnadu.
2. Election commission of India
Rep by its Chief Election Commissioner
Nirvachan Sadan, Ashoka Road
New Delhi-110 001.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the 1st respondent in tender document bearing Tender Ref.No.5/2026/900,



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dated 3.3.2026 and to quash the same as arbitrary, unjust and unreasonable.

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For Petitioner(s): Mr.Satish Parasaran
Senior Counsel
for Mr. Arun Karthik Mohan

For Respondent(s): Mr. Niranjan Rajagopalan
Standing Counsel
for M/s. G.R.Associates

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Challenging certain conditions imposed in the e-Tender dated 3.3.2026 for undertaking live webcasting in the polling stations on the day of polling and recording on the day of counting for the General Elections to Tamil Nadu Legislative Assembly, 2026, the present writ petition is filed.

2.1. The case of the petitioner is that the petitioner is a company incorporated under the Companies Act and is engaged in providing advanced surveillance and webcasting systems for elections and other sensitive events. It possesses extensive experience in installing and operating IP based HD camera systems for live monitoring of polling stations across various States and has



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the necessary technical capability and infrastructure to undertake large scale election surveillance projects.

2.2. It is further stated that the respondents propose to deploy approximately 1,50,000 web based cameras across 75,000 polling stations and 3,744 cameras in counting centres. The petitioner submitted pre-bid queries requesting that the requirement relating to prior installation of 2,500 CCTV cameras in counting centres be dispensed with, since successful execution of large scale polling station webcasting inherently demonstrates the technical capability required for installation of cameras within counting centres, which is comparatively limited in scale and complexity. The petitioner also requested that consortium participation be permitted in order to promote wider competition.

2.3. It is averred that the respondents rejected the said representations through a cryptic response merely stating "Tender condition confirmed", without furnishing any reasons. The impugned eligibility conditions are manifestly arbitrary and disproportionate and operate as an artificial barrier that excludes otherwise



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technically competent bidders. The conditions, therefore, lack any rational nexus with the object of the tender and are violative of Article 14 of the Constitution of India. Hence, the present writ petition.

3.1. Learned Senior Counsel appearing on behalf of the petitioner submitted that the impugned eligibility criteria mandating that a bidder must have executed installation of at least 2,500 CCTV cameras in counting centres, in addition to having installed live web streaming from not less than 1,00,000 polling station cameras, is ex-facie arbitrary and irrational. He added that the eligibility conditions prescribed in a public tender must bear a rational nexus with the object sought to be achieved and must not be designed in a manner that artificially restricts competition or excludes otherwise competent participants without justification.

3.2. The next submission of learned Senior Counsel for the petitioner is that the impugned condition prohibiting consortiums is highly restrictive and such restriction would only allow one or two entities in the industry to be benefitted by the tender process and



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eliminating almost all competitors. In other words, he submitted that the impugned tender conditions appear to be tailor-made to restrict participation to a very small number of participants, thereby defeating the objective of competitive tendering.

3.3. It is further submitted that the respondents ought to have given due consideration to the pre-bid queries made by the petitioner, because in respect of similar tender floated for the election to the legislative assembly constituencies for the State of Kerala with unreasonable eligibility criteria and conditions, the same have been withdrawn and the eligibility criteria was appropriately modified by issuing corrigendum, after the unreasonability of such conditions was pointed out by the petitioner.

3.4. In effect, it is submitted that the respondents may be directed to modify the tender conditions and permit participation of the petitioner.

4.1. Per contra, learned counsel for the respondents submits that the requirement that the bidder should have executed live web



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streaming from polling stations as well as CCTV recording in counting halls has been prescribed having regard to the distinct nature of the two stages of the electoral process. He added that polling and counting are two separate and critical phases of the election process and it is desirable that the bidder is experienced in both. The tender condition was, therefore, framed to ensure that bidders possess prior experience in handling the specific operational requirements associated with the conduct of elections. The experience required is cumulative for the last three years and the same cannot be termed as arbitrary or unreasonable.

4.2. Refuting the argument of learned Senior Counsel for the petitioner that tender condition in the State of Kerala has been modified, it is submitted that the scope of work in Kerala is different when compared to Tamil Nadu and the tender has been floated considering the unique needs in this State and no modification is required.



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4.3. He further submitted that the petitioner herein assailed an identical condition before the High Court of Calcutta and the same was dismissed, but the said fact was not disclosed by the petitioner. Likewise, the petitioner also filed similar petition challenging the eligibility criteria in the Gauhati High Court. No interim order was passed therein and the said fact is also not disclosed by the petitioner.

4.4. It is also contended that the tender conditions have been framed and upgraded based on the experience gained in the conduct of past elections and are not tailored to suit the individual requirement of any particular bidder. The requirements in each State vary depending upon its peculiar circumstances, including the number of polling stations, geographical spread and administrative considerations. Any alteration of the eligibility conditions at this stage would have a ripple effect on the tender process and would open a Pandora's box of competing claims and commercial considerations.



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5. We have heard learned counsel on either side and perused the documents filed in support of this petition.

6. Before adverting to the merits of the matter, it is apposite to refer to the tender conditions which are challenged by the petitioner hereunder:

"The Bidder should have executed live web streaming using IP based HD web cameras with audio & video from multiple locations, in not less than 1,00,000 cameras for web streaming at Polling Stations in India and 2,500 CCTV cameras for counting in counting halls cumulatively on behalf of Election Commission of India during the Last 3 Years as on date of notice inviting tender.

Joint Venture, Consortium, Local Body, and Project Management Consultancy experience are not allowed. In case of consortium only prime bidder experience is allowed."

7. In the case at hand, the primordial challenge is to the aforesaid tender conditions on the ground that they are arbitrary, discriminatory, and unreasonable.



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8. In an epoch-making judgment in the case of *Tata Cellular v. Union of India*¹, the Supreme Court delineated the scope of judicial review in tender/contract matters as under:

"94. The principles deducible from the above are:

(1) The modern trend points to judicial restraint in administrative action.

(2) The court does not sit as a court of appeal but merely reviews the manner in which the decision was made.

(3) The court does not have the expertise to correct the administrative decision. If a review of the administrative decision is permitted it will be substituting its own decision, without the necessary expertise which itself may be fallible.

(4) The terms of the invitation to tender cannot be open to judicial scrutiny because the invitation to tender is in the realm of contract.

Normally speaking, the decision to accept the tender or award the contract is reached by process of negotiations through several tiers. More often than not, such decisions are made qualitatively by experts.

1(1994) 6 SCC 651



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(5) *The Government must have freedom of contract. In other words, a fair play in the joints is a necessary concomitant for an administrative body functioning in an administrative sphere or quasi-administrative sphere. However, the decision must not only be tested by the application of Wednesbury principle of reasonableness (including its other facts pointed out above) but must be free from arbitrariness not affected by bias or actuated by mala fides.*

(6) *Quashing decisions may impose heavy administrative burden on the administration and lead to increased and unbudgeted expenditure."*

[emphasis supplied]

9. The Supreme Court in the case of *Michigan Rubber (India)*

*Ltd. v. State of Karnataka*², held thus:

"23. From the above decisions, the following principles emerge:

(a) The basic requirement of Article 14 is fairness in action by the State, and non-arbitrariness in essence and substance is the heartbeat of fair play. These actions are amenable to the judicial review only to the extent that the State must act validly for a discernible reason and not whimsically for any

²(2012) 8 SCC 216



ulterior purpose. If the State acts within the bounds of reasonableness, it would be legitimate to take into consideration the national priorities;

(b) Fixation of a value of the tender is entirely within the purview of the executive and the courts hardly have any role to play in this process except for striking down such action of the executive as is proved to be arbitrary or unreasonable. If the Government acts in conformity with certain healthy standards and norms such as awarding of contracts by inviting tenders, in those circumstances, the interference by courts is very limited;

(c) In the matter of formulating conditions of a tender document and awarding a contract, greater latitude is required to be conceded to the State authorities unless the action of the tendering authority is found to be malicious and a misuse of its statutory powers, interference by courts is not warranted;

(d) Certain preconditions or qualifications for tenders have to be laid down to ensure that the contractor has the capacity and the resources to successfully execute the work; and



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(e) If the State or its instrumentalities act reasonably, fairly and in public interest in awarding contract, here again, interference by court is very restrictive since no person can claim a fundamental right to carry on business with the Government.

24. Therefore, a court before interfering in tender or contractual matters, in exercise of power of judicial review, should pose to itself the following questions:

(i) Whether the process adopted or decision made by the authority is mala fide or intended to favour someone; or whether the process adopted or decision made is so arbitrary and irrational that the court can say: "the decision is such that no responsible authority acting reasonably and in accordance with relevant law could have reached"? and

(ii) Whether the public interest is affected?

If the answers to the above questions are in the negative, then there should be no interference under Article 226."

[emphasis supplied]



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The Supreme Court emphatically held that greater latitude is required to be given to the authorities and that certain preconditions or qualifications for tenders have to be laid down to ensure that the contractor has the capacity and the resources to successfully execute the work.

10. In *Directorate of Education and others v. Educomp Datamatics Ltd and others*³, the Supreme Court held that the Government must have a freehand in stipulating the terms of the tender and that it must have reasonable play in the joints as a concomitant necessary for an administrative body in administrative sphere. The winged words of the Apex Court in this regard are reproduced herein under:

*"12. It has clearly been held in these decisions that the terms of the invitation to tender are not open to judicial scrutiny, the same being in the realm of contract. **That the Government must have a free hand in setting the terms of the tender. It must have reasonable play in its joints as a necessary concomitant for an administrative***

3(2004) 4 SCC 19



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body in an administrative sphere. *The courts would interfere with the administrative policy decision only if it is arbitrary, discriminatory, mala fide or actuated by bias. It is entitled to pragmatic adjustments which may be called for by the particular circumstances. The courts cannot strike down the terms of the tender prescribed by the Government because it feels that some other terms in the tender would have been fair, wiser or logical. The courts can interfere only if the policy decision is arbitrary, discriminatory or mala fide."*

[emphasis supplied]

11. The law enunciated in the aforesaid decisions adumbrates that the scope of judicial review in tender process is extremely limited. The tender floating authority is the best judge of its requirements and unless arbitrariness or mala fide on the part of the tendering authority is alleged, the court's interference should be minimal.

12. The respondents, in their written note endorsed by the first respondent, have categorically stated that "*the requirement that the bidder should have executed live web streaming from*



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polling stations as well as CCTV recording in counting halls has been prescribed having regard to the distinct nature of the two stages of the electoral process” and further emphasised that the bidder should be experienced in making polling and counting arrangements.

13. The respondents further stated that *“Webcasting and camera deployment form an important mechanism for monitoring the electoral process and ensuring transparency, thereby enhancing public confidence in the conduct of elections. These arrangements constitute an essential component of election management, and challenges of this nature, particularly at the eve of elections, would seriously disrupt the preparations already undertaken for the conduct of the election process.”*

14. That apart, in the case on hand, it is not in dispute that an identical challenge made before the High Court of Calcutta by the petitioner herein has been dismissed.



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17. In view of the aforesaid finding arrived at, we are not delving into the other authorities cited across the bar on either side.

For the foregoing reasons, the writ petition is dismissed. There shall be no order as to costs. Consequently, interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
17.03.2026

Index : Yes/No
Neutral Citation : Yes/No
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To:

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1. The Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110011.
2. The Additional Chief Electoral Officer
and Additional Secretary to Government,
Public (Elections) Department, Secretariat,
Chennai - 600009.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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