



W.P.(MD).No.3372 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3372 of 2022

and

W.M.P(MD) Nos.2946 and 2948 of 2022

B.Ganesan
S/o. Balaiyappan
Proprietor
M/s.Raaga Trailors and Engineering Works,
Vetri Vinayagar Nagar,
Opp.Old Government Hospital,
Railway Feeder Road,
Karaikudi,
Sivagangai District – 630 001.

...Petitioner

Vs

1. Bharat Heavy Electricals Limited, (BHEL)
Represented by the Additional General Manager,
Materials Management & WCM,
Bharat Heavy Electricals Limited, (BHEL)
Thiruverumbur,
Tiruchirappalli – 620 014.
2. Bharat Heavy Electricals Limited, (BHEL)
Represented by the Senior Deputy General Manager,
Materials Management/SDC & PSS,
Bharat Heavy Electricals Limited, (BHEL)
Thiruverumbur,
Tiruchirappalli – 620 014.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order in Ref.No.BHEL/MM/Raaga/ Hold, Dated 27.11.2021, issued by the second respondent and quash the same as illegal, consequently direct the respondents to refund a sum of Rs.1,00,000/- to the petitioner which was paid towards the Earnest Money Deposit (EMD) for the Tender Ref No.90321 00006/03.03.2021 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.Raguvaran Gopalan

ORDER

The present writ petition has been filed challenging the order passed by the second respondent on 27.11.2021, wherein, the business hold order was passed as against the writ petitioner for a period of two years commencing from 27.11.2021.

2. As far as this portion of the order is concerned, the tenure of business hold order has expired and nothing survives to be adjudicated. In fact, in view of the interim order passed by this Court, the petitioner has been relieved of this grievance.

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3. The petitioner has prayed for refund of the EMD of Rs.1,00,000/- which he had paid towards participation in the tender.

4. A perusal of the records reveal that after the tender was opened, the petitioner has withdrawn his offer for certain reasons. As per the tender conditions, in case, if the tenderer has revoked the tender or makes any modification in his tender or increases the earlier quoted rates, the EMD is liable to be forfeited. In view of the specific clause found in the tender documents, the petitioner does not have any right to seek refund of the EMD.

5. In view of the above said facts, there are no merits in the Writ Petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

09.01.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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1. The Additional General Manager,
Materials Management & WCM,
Bharat Heavy Electricals Limited, (BHEL)
Thiruverumbur,
Tiruchirappalli – 620 014.
2. The Senior Deputy General Manager,
Materials Management/SDC & PSS,
Bharat Heavy Electricals Limited, (BHEL)
Thiruverumbur,
Tiruchirappalli – 620 014.



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R.VIJAYAKUMAR,J.

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