
(2006) 03 MAD CK 0117

In the Madras High Court

Case No : Writ Appeal No. 1203 of 2000

The Tamil Nadu Electricity Board

APPELLANT

Vs

Safe Systems (India) Pvt. Ltd.

RESPONDENT

Date of Decision : 09-03-2006

Acts Referred:

Citation : (2006) 03 MAD CK 0117

Hon'ble Judges : P. Sathasivam, J; J.A.K. Sampathkumar, J

Bench : Division Bench

Advocate : G. Vasudevan, for the Appellant; Ravi, for Gupta, for the Respondent

Final Decision : Dismissed

Judgement

P. Sathasivam, J.—The above writ appeal is directed against the order of the learned single Judge dated 6.4.2000 made in W.P.M.P. No. 24049 of 1999 in W. P. No. 16603 of 1999, in and by which, the learned single Judge granted an order of injunction restraining the respondents therein Electricity Board from purchasing the materials covered under the tender from any other person, pending disposal of the writ petition No. 16603 of 19 99.

2. Heard the learned counsel for the appellants as well as the respondent.

3. It is seen from para 3 of the order of the learned single Judge that though the Electricity Board, after accepting the lowest tender of the petitioner-the respondent herein had placed the purchase order, cannot cancel the tender without any reason. The order of the learned single Judge further shows that the action taken by the Board is against their own stand since the supply of materials by the writ petitioner is the lowest and by adopting the same, there is a saving of Rs. 11 lakhs and odd. After noting all these factual details, the learned single Judge came to the conclusion that the decision of the Board is prima facie illegal and arbitrary. The learned single Judge has also found that the impugned order is a non-speaking one and they cannot cancel the tender without assigning any reason, particularly, having accepted the tender, which specified all the

requirements. In the light of the specific finding, viz., that the action of the respondents-Electricity Board prima facie is illegal and arbitrary, we are of the view that there is no contra material to take a different view as that of the learned single Judge. On the other hand, with the available materials, we are in agreement with the said conclusion. Consequently, the writ appeal fails and the same is dismissed. No costs.

4. Since the writ petition is of the year 1999 and considering the grievance expressed by both the parties, direction is issued for early disposal of the writ petition. Accordingly, post the writ petition for final hearing on 10.04.2006.