



COMPETITION COMMISSION OF INDIA

Case No. 22 of 2025

In Re:

Universal Gauges and Instruments

Informant

No.30, B Street, Sri Devi Vaishnavi Nagar,
RCC, Chennai- 600062

And

The Singareni Collieries Company Limited

Opposite Party

Corporate Material Procurement Department,
Kothagudem Collieries P.O, District - Bhadradri Kothagudem,
Telangana- 507101

CORAM

Ms. Ravneet Kaur
Chairperson

Mr. Anil Agrawal
Member

Ms. Sweta Kakkad
Member

Mr. Deepak Anurag
Member



Order under Section 26(2) of the Competition Act, 2002

1. The present Information has been filed by Universal Gauges and Instruments (**‘Informant’**) under Section 19(1)(a) of the Competition Act, 2002 (**‘Act’**) alleging contravention of the provisions of Section 3(3)(d) of the Act, by The Singareni Collieries Company Limited (**‘OP’**).
2. The Informant (as per information available in the public domain) is an ISO 9001:2008 certified company established in the year 1986 for design, development and manufacturing of special application tools, diagnostic tools, workshop equipment and fixtures.
3. The OP (as per information available in the public domain) is a government coal mining company jointly owned by the Government of Telangana and Government of India on a 51:49 equity basis.
4. The Informant has stated that it had participated in Tender No. 557005 (**‘impugned tender’**) dated 08.11.2024 invited for the procurement of tyre dismantling machine designed for disassembly and assembly of Off the Road (**‘OTR’**) tyres of different sizes in the workshop of the OP. It is stated that the bid of the Informant was disqualified at the Pre-Qualification (**‘PQ’**) stage, specifically during the evaluation of the technical bid and commercial terms.
5. According to the Informant, its disqualification was based on a technical parameter evaluation report (**‘evaluation report’**) dated 11.01.2025 generated by the OP. The evaluation report stated that the machine supplied by the Informant to another procurer, National Mineral Development Corporation Limited (**‘NMDC’**) was not operational from the date of commissioning, thus failing the proveness criteria required for the impugned tender.
6. On the issue of disqualification owing to inoperative machine provided to NMDC, the Informant has stated that the machine which was installed at NMDC worked satisfactorily.



The Informant has stated that NMDC issued a performance certificate dated 29.10.2024 confirming that the machine has been working satisfactorily since its commissioning on 19.03.2022. Moreover, NMDC released a performance bank guarantee on 17.05.2024 without any deductions or pending claims. The Informant has further clarified that no communication or complaint was received from NMDC within two months between the performance certificate and the OP's evaluation report suggesting any malfunction or operational issues.

7. It is averred by the Informant that the evaluation report issued by the OP mentioned the absence of manual operation and 2-speed operation features as per Technical Parameter Sheet requirements. However, as the proveness criteria in the NMDC tender did not require a manual feature, the same was not provided to the OP and the machine supplied had an in-built 2-speed operation feature. Thus, the Informant had supplied a machine which was fully compliant with the tender specifications.
8. The Informant has alleged that the evaluation report prepared by the OP appears to be made without due consideration of the documentary evidence submitted by the Informant and may have been produced deliberately to disqualify the bid of the Informant and favour a competitor as the timing of the evaluation report *i.e.* 11.01.2025 is only two months after the performance certificate was issued by NMDC.
9. The Informant has sought the following reliefs from the Commission:
 - a) initiate an investigation into the conduct of the OP and the tender evaluation process;
 - b) direct the OP to conduct a transparent re-evaluation of all bids, including the bid of the Informant, adhering to the principles of fairness and non-discrimination in public procurement;
 - c) seek recommendations from the Commission for implementing safeguards and monitoring mechanisms in the tender processes of the OP to prevent recurrence of similar unfair disqualifications and ensure compliance with the Act;



- d) if the investigation establishes malpractices causing loss to the Informant due to wrongful disqualification, appropriate compensation or damages may be recommended by the Commission.
10. In the ordinary meeting held on 22.10.2025, the Commission considered the Information and decided to pass an appropriate order in due course.
11. At the outset, the Commission notes that the Informant is aggrieved by its disqualification at the PQ stage in the impugned tender floated by the OP, on the basis of an evaluation report dated 11.01.2025, prepared by the officials of the OP. It was noted in the aforesaid report that the machine supplied by the Informant to NMDC was not operational from the date of commissioning, which violated the proveness criteria of the said tender. Further, on perusal of the evaluation report, it appears that the Informant is disqualified as it did not meet certain criteria as per the Notice Inviting Tender issued by the OP. The Commission also notes that the Informant, *vide* its subsequent submission dated 01.09.2025, has stated that the impugned tender has been cancelled by the OP due to administrative reasons.
12. The Commission notes that the Informant has alleged violation of Section 3(3)(d) of the Act. However, apart from making a cursory reference to the violation, no specific conduct has been stated in the Information indicating allegations of bid-rigging as envisaged under Section 3(3)(d) read with Explanation to Section 3(3)(d) of the Act. Further, the Informant has also not adduced any evidence in the form of bidder details, bid quotes, IP addresses, *etc.*, to indicate allegations of bid-rigging under the Act. The Informant has raised allegations of bid-rigging only on the ground that such tender process led to unfair exclusion of genuine bidders and higher costs for the procuring entity.
13. The Commission acknowledges that procurers have the autonomy to set their own tender terms and conditions. The Commission notes that a tender design/technical qualification (disqualification) is the prerogative of the procurer, which is best suited to understand and appreciate its requirements. Thus, having read the facts and allegations as raised in the



Information, the Commission notes that the issues agitated before it does not raise any competition concern. Accordingly, the Commission is of the view that no *prima facie* case of bid-rigging, as envisaged under Section 3(3)(d) read with Explanation to Section 3(3)(d) of the Act, has been made out by the Informant and directs that the present Information be closed forthwith under Section 26(2) of the Act.

14. The Commission while holding the above has expressed nothing on the merits of the legal rights and remedies available to the Informant.

15. The Secretary is directed to communicate the order to the Informant, accordingly.

Sd/-
Ms. Ravneet Kaur
Chairperson

Sd/-
Mr. Anil Agrawal
Member

Sd/-
Ms. Sweta Kakkad
Member

Sd/-
Mr. Deepak Anurag
Member

Date: 19-11-2025

Place: New Delhi