



Independent Review Panel

Decision No.14/25

In the matter of:

Tanelec Co. Ltd

(Applicant)

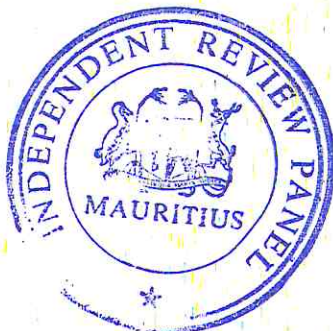
v/s

Central Electricity Board

(Respondent)

(Cause No. 21/25/IRP)

Decision



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A. History of the case

On 12 August 2025, the Respondent (Central Electricity Board) invited bids through the Government e-Procurement System for the "Procurement of Insulated Piercing Connectors for Low Voltage Aerial Bundled Cables.

The closing date for submission of bids was scheduled on 22 September 2025.

Four (4) bids were received. The Applicant (Tanelec Co. Ltd) was one of the bidders.

B. Evaluation

A Bid Evaluation Committee (BEC) was set up to evaluate the bids received and to identify the lowest evaluated substantially responsive bid.

C. Notification of Award

On 18 November 2025, the Respondent informed Tanelec Co. Ltd. that an evaluation of the bids received had been carried out and that its bid had not been retained for award. A letter of Award was issued on 18 November 2025, to the selected bidder, MAREL doo situated at Rasinska 5,37207 Veliko Golovode, Krusevac, Republic of Serbia, for the total amount of EUR 229,600.00.

D. Grounds for Review

On 24 November 2025, the Applicant seized the Independent Review Panel for review on the following grounds:

Respondent's decision is irrational, ignorant of sample submitted by the Applicant, unfair and procedurally illegal.

E. The Hearing

The Hearing was held on 12 December 2025. There is on record Statements of Case filed by the Applicant and the Respondent respectively. The Applicant also filed a Reply to the Respondent's Statement of Case.

The Applicant was represented by Mr Vijay Cooshna, Counsel, whilst Mr S. Cassim Jeehan, Barrister, represented the Respondent. Mr Yougesh Nunkoo, Director, deponed as witness for the Applicant, whilst Mrs Shazeeha Boodhun, Engineer deponed as witness for the Respondent.

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F. Findings

The Public Body (Central Electricity Board) issued a notification letter dated 18 November 2025 to the Applicant informing it that its bid has not been retained for award.

The applicant being dissatisfied applied to the Independent Review Panel for review. The ground for review reads as follows:

“Respondent’s decision is irrational, ignorant of sample submitted by the Applicant, unfair and procedurally illegal.”

The Respondent filed a statement of case and in a gist raised the following:

“(a) An invitation for bids was advertised from Local and International bidders;

(b) the deadline for bid preparation and hash submission online was initially fixed for the 08 September 2025 at 13.30 hrs and then was extended to the 22nd September 2025;

(c.) The opening of bid was carried out on the 24th September 2025;

(d) The Applicant submitted its sample one day after the Bid Closing date i.e the sample was submitted on 23 September 2025 instead of 22nd September 2025;”

The Applicant filed a reply to the Statement of case of the Respondent. The Applicant mainly stated that:

(a) The sample it provided was duly received by the Respondent prior to the bid opening exercise and in point in time the Respondent refused to take delivery of the said sample;

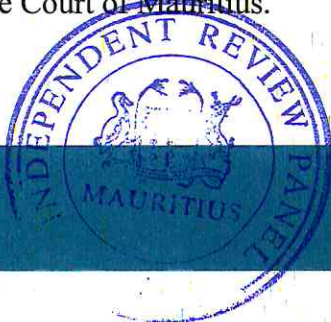
(b) The Applicant’s Director proceeded to Respondent’s Corporate Office at Ebene to submit the sample whereat he was told by Respondent’s officers that sample had to be submitted to their office situate at Curepipe;

(c.) The submission of the sample before the bid opening exercise on 24 September 2025 cannot amount to a material deviation.

The hearing was held to 12 December 2025.

Counsel appearing for the Applicant Mr V Cooshna through an e-mail dated 11 December 2025 informed the Independent Review Panel, that the Panel would be composed of Mr H Gunesh as Chair and other 2 members.

It has been brought to his attention that Mr H Gunesh, Vice Chairperson of the Independent Review Panel in his capacity as Attorney at Law has since long been instructing Mr S Cassim Jeehan in civil matters before the Supreme Court of Mauritius.



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Counsel cited some 5 cases which we do not find it necessary to mention in our determination. Mr V Cooshna while acknowledging the professionalism and impartiality of Mr H Gunesh requested the Independent Review Panel be chaired by a different Panel to ensure the Applicant has a fair hearing.

After consultation with two other members appointed to form part of the Panel, namely Mr S Ragoobar and Mr R Mungra it was decided that Mr H Gunesh shall continue to Chair the hearing and motivated reasons will be given in the Panel's determination.

On the day of hearing Mr V Cooshna dropped the challenge and addressed the Panel the two issues that lead to the disqualification of the bid of the applicant, viz:

- (a) The submission of the sample outside the time limit; and
- (b) The Applicant proposed connector insulating piercing with an independent method of tightening instead of simultaneous one.

The Applicant's witness, in cross examination, admitted that he made a confusion, instead of submitting the sample on 22 September 2025 at Curepipe office, he attended Ebene office of the Respondent and it was only on the following day i.e on 23 September 2025 attended the Curepipe office to submit the sample.

The witness also admitted that it was mentioned that the sample should have been submitted at the Curepipe office and the same was submitted outside the required delay.

The Applicant produced a sample at the hearing of this application and demonstrated that the sample was simultaneously one and not independent. This is of no help to the Applicant at this stage.

In submissions Counsel for the Applicant relied a lot on the time limit in submitting the sample. He referred to a series of cases (which we do not propose to mention those cases) where the Supreme Court made pronouncements that the time limit would not be fatal if no prejudice is caused to parties.

On the other hand, Mr S Cassim Jeehan, Counsel for the Respondent submitted that the application should be set aside as the sample was not submitted within the delay prescribed and it was mandatory to do so.

The panel after listening to both Counsel and after having perused the whole record concludes, viz

- (a) The Applicant failed to provide the sample as provided by ITB and we are of opinion that would the Respondent allowed the submission of the sample to be considered by the Bid Evaluation Committee then certainly prejudice would have been caused to the other bidders who have complied with the provisions of the ITB;
- (b) The applicant proposed a connector insulating piercing with an independent method which was not as per requirements. A perusal of the record shows that the applicant had filled in the form 1.1 Guaranteed Particulars Technical Schedules A & B and under item 5 Method of tightening had mentioned Independent when the requirement 5.1.11 of Section General Requirements of the bidding documents had clearly mentioned that the IPC must perform piercing and connection on Main and Branch cable simultaneously.



Tanelec Co. Ltd.

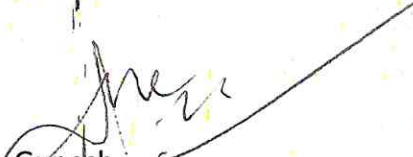
v/s

Central Electricity Board

(CN 21/25/IRP)

G. Conclusion

In view of what we have stated above, we find no merits in this application and therefore the application is set aside.



H. Gunesh
(Vice Chairperson)



R. Mungra
(Member)



S. Ragoobar
(Member)

Dated: 15 December, 2025

