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W.P.No.24506 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.24506 of 2026
and W.M.P.Nos.26713 and 26714 of 2026

M/s. Sigrun Vertrag Projects,
Rep. by its Proprietor,
Manivasakam

.. Petitioner

Versus

The Regional officer,
National Highways authority of India (NHAI),
Regional Office,
Chennai.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records relevant to NHAI/11015/361/2022/RO Chennai/E-169666/1358 dated 18.05.2023 passed by the respondent and quash the same is illegal, improper, unreasonable, arbitrary and against the principles of natural justice.

For Petitioner : Mr.L.Chandrakumar,
for Mr.R.Sundarapandiyan

For Respondents : Mrs.S.R.Sumathi,
Standing Counsel



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ORDER

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The prayer in this Writ Petition is for a Certiorari, calling for the records relating to the impugned order, dated 18.05.2023 and to quash the same.

2. On a perusal of the order impugned, it can be seen that the petitioner had participated with bid ID:515674, dated 27.01.2023 with reference to the tender that is called for relating to road safety and appurtenances, in two laning with paved shoulder of Tindivanam - Krishnagiri section of NH-77 from Km 37.600 to Km 219.782. The impugned order finds that the petitioner has produced bogus work experience certificate and as such, debars the petitioner for a period of five years. The same is challenged entirely on the ground that with reference to debarment, no opportunity has been given to the petitioner.

3. Counter-affidavit is filed by the respondent in detail. In paragraph Nos.8, 9 and 10, the details are mentioned and the same are extracted hereunder for ready reference:-

“8. I humbly that a notice had been issued to the Petitioner/Bidder vide letter no.1088 dated 25/04/2023 which was also sent by E-mail to the ID



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(svpltd2016@gmail.com) mentioned in the Bidding Document wherein, explanation by bidder was sought to produce the original certificates within tree days and further action on the matter shall be concluded with the available documents in case the reply is not received by 28.04.2023 @ 15.30 hrs. Accordingly, the scheduled date of financial opening was postponed from 27.04.2023 @ 15:30 Hrs. to 02.05.2023 @ 15.30 Hrs.

9. I humbly submit that as per Clause 23.4 of RFP (Request for proposal), all the bidders (4) were requested to submit original of all documents as mentioned in Clause 12.2 of RFP by 01.05.2023 before 15.30 Hrs. Out of 4 responsive bidders, only 3 bidders have submitted their original documents. The petitioner has neither furnished the original documents nor responded to the notice dated 25.04.2023. As the petitioner failed to produce original documents before the due date and also failed to produce explanation in the subject matter, the Evaluation Committee which met on 01.05.2023 had unanimously of the view that the “Bidder has provided a non-genuine experience certificate in a fraudulent manner and also not submitted original documents within the stipulated period. Hence, his bid may be considered as Non – Responsive. Further, penal action against the bidder as per the provisions of RFP may be taken”.

10. I humbly submit that after opening of Financial bid, the work was awarded to L1 Bidder M/s. Jose Kannanchira on 10.05.2023. As per Clause 23.4 (vi) of RFP (Request for Proposal), Debarment Order was issued to the Petitioner by 1st Respondent / RO, Chennai on 18.05.2023 from bidding in NHAI Projects for a period of 5 years. It is submitted that the fake Work Completion Certificates dated 16.11.2018 & 06.01.2020 as produced by the bidder during bidding process is enclosed for kind perusal. ~ As such, this office has not violated the principles of natural justice but has acted well within the provisions of tender conditions stipulated in the RFP.”

4. In view of the same, the learned Counsel for the respondent would submit that the principles of natural justice have been complied with



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and when the bidder has provided a bogus experience certificate, the debarment order was passed.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. A perusal thereof, it can be seen that the due notice, including the show-cause notice, was given with reference to the finalization of the tender. When scrutiny was made, notice was issued to the petitioner to explain the position, when the respondent has duly disqualified the petitioner and awarded the tender to the appropriate person. As far as the impugned order is concerned, the same relates to debarment. Debarment visits the petitioner with penal consequences. Therefore, by categorically mentioning the consequences, calling upon the petitioner as to why debarment order should not be passed against him and explanation should be called for and an opportunity should be given, the notices sent during the process of finalization of the tender will itself not be enough.

7. In view thereof, this Writ Petition is allowed on the following terms:-



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(i) The impugned order, dated 18.05.2023 shall stand quashed and the matter shall stand remanded back to the respondent.

(ii) It will be open for the respondent to issue a show-cause notice categorically mentioning the allegation against the petitioner and after duly hearing the petitioner, as per the procedure and pass fresh orders in accordance with law.

(iii) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

20.08.2026

Neutral Citation : no
grs

To

The Regional officer,
National Highways authority of India (NHAI),
Regional Office,
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D.BHARATHA CHAKRAVARTHY, J.

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