



WEB COPY

W.P.No.3339 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.3339 of 2024

and

W.M.P.Nos. 3593, 3594, 3597 & 3604 of 2024

A.A.Constructions,  
Rep. by its Managing Partner M.Senthilkumar,  
Male / Age - 58 years,  
S/o.N.Muthusamy  
No.67A, Nehru Nagar, Pallipalayam,  
Erode District.

.. Petitioner

VS

- 1.The State of Tamil Nadu  
Rep. by its Principal Secretary to Government,  
Public Works Department (PWD),  
Secretariat, Fort St.George,  
Chennai - 600 009.
- 2.The Tender Award Committee (TAC),  
Presented by the Engineer-in-Chief,  
Chief Engineer (General)  
Public Works Department (PWD)  
Chepauk, Chennai - 600 005.
- 3.The Engineer-in-Chief  
Engineer (Buildings),  
Public Works Department (PWD),  
Chepauk, Chennai - 600 005.
- 4.The Chief Engineer (Buildings),  
Public Works Department (PWD),  
Coimbatore Region, Coimbatore District.
- 5.The Superintending Engineer,  
Public Works Department (PWD),



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Buildings Construction and Maintenance Circle,  
Erode District, Erode.

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6.The Executive Engineer,  
Public Works Department (PWD),  
Construction and Maintenance (C&M) Division,  
Namakkal District.

7.M/s.Muthusamy Construction  
Rep. by its Managing Partner,  
Gundur Road, Cuddalore District.

8.M/s.Rajam Engineering Contractors,  
Rep. by its Managing Partner  
Mettur Dam, Salem District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the second respondent pertaining to his impugned order in 49th Meeting dated 02.02.2024 passed by the second respondent to quash the same and consequently direct the fifth respondent to issue a fresh Tender in accordance with law.

For Petitioner : Mr.I.Abrar MD Abdullah

For Respondents : Mr.Nanmaran  
Special Government Pleader

### ORDER

Mr.Nanmaran, learned Special Government Pleader, had accepted notice for the official respondents on 13.02.2024, when the matter was listed for admission.

2. The petitioner has sought a writ of certiorarified mandamus quashing order dated 02.02.2024 passed by R2. The petitioner had



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participated in an online tender for construction of a 50 bedded Critical Care Block in the Government Hospital at Paramathivelur, Namakkal District. By minutes dated 02.02.2024, three of the bidders, including the petitioner have been disqualified as they did not satisfy the pre-qualification criteria.

3. The mainstay of the petitioner's argument relates to a comparison of the minutes of the 45<sup>th</sup> meeting of the Tender Award Committee on 02.01.2024 and the minutes of the 49<sup>th</sup> meeting of the Tender Award Committee dated 02.02.2024.

4. No arguments are advanced as far as the petitioner's disqualifications are concerned. Rather, arguments are advanced assailing the selection of M/s.Rajam Engineering Contractors / R6. The reasons set out are that in the minutes dated 02.01.2024, M/s.A.A. Constructions had been disqualified for the following lapses:-

*"\*Electrical License Grade for ESA has not furnished.*

*\* The Smilar nature of work under a single agreement has not satisfied.*

*\* Insufficient technical personnel.*

*\*Copy of Evidence for Tools and plants has not furnished."*

5. An apprehension is raised as to whether at all the above disqualification have been set right. Though this is a factual dispute, not really falling within the realm of writ jurisdiction, the records



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were sought for the Court to satisfy itself that the selection has been made in a proper manner.

6. Mr.Nanmaran, has produced records to establish that the lapses noticed under minutes dated 02.01.2024 have been rectified by the contractor. A compilation is filed containing documents that, prima facie, are found satisfactory.

7. As against the extension of electrical licence, petitioner makes some allegations to say that the extension has been backdated. However, being a factual dispute, I am not inclined to look into the same, more particularly, in the absence of the contractor.

8. This writ petition is dismissed. The petitioner is at liberty to challenge the award of tender once made in terms of Section 11 of the Tender Transparency Act. No costs. Connected miscellaneous petitions are closed.

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Index:Yes/No  
Neutral Citation:Yes  
ssm



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