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W.P.No.37560 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.37560 of 2024
and W.M.P.No.40600 of 2024

A.A.Constructions

Represented 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 Engineer-in-chief

Engineer (Buildings)

Public Works Department (PWD)

Chepauk, Chennai – 600 005.

3.The Chief Engineer, (Buildings)

Public Works Department (PWD)

Coimbatore Region, Coimbatore District.

4.The Superintending Engineer,

Public Works Department (PWD)



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Buildings Construction and Maintenance Circle
Erode District, Erode.

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to accept the Petitioner's Tender Application and to evaluate the same in respect of the e-Tender Notice No.NIT.20/2024-25/B(C&M) CIRCLE/ERODE/ dated 12.11.2024 in so far as the S.No.3 work is concerned and without insisting the Site Visit Certificate.

For Petitioner : Mr.I.Abrar Mohamed Abdulla
for M/s.A.M.Esakkiappan

For Respondents : Mrs.M.Jayanthi
Additional Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to the 4th respondent to



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accept the petitioner's Tender Application and evaluate the same in respect of the e-Tender Notice No.NIT.20/2024-25/B(C&M) CIRCLE/ERODE/ dated 12.11.2024 in so far as the S.No.3 is concerned and without insisting the Site Inspection Certificate.

3. It is the case of the petitioner that the 4th respondent issued e-Tender Notification on 12.11.2024 inviting tender for construction of additional building in S.Nos.1 to 6. The petitioner submitted a bid for construction of work mentioned in the S.No.3 alone. As per the tender conditions, before offering their bids, the tenderers must visit the work site and obtain a certificate to that effect from the concerned Executive Engineer, Public Works Department. The Site Inspection Certificate issued by the Executive Engineer, Public Works Department shall be uploaded along with the bid.

4. It is asserted by the petitioner that the petitioner approached the 5th respondent/ Executive Engineer, Public Works Department for issuance of Site Inspection Certificate on 20.11.2024 but there was no response. Thereafter, the petitioner submitted a written representation on 26.11.2024



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along with site photographs to the 5th respondent for issuance of Site Visit Certificate. Even thereafter, the 5th respondent failed to issue Site Inspection Certificate as requested by the petitioner. Finally, the petitioner also sent an e-mail on 05.12.2024 requesting to issue Site Inspection Certificate. However, there was no favourable reply from the 5th respondent. Therefore, the petitioner submitted its bid on the last date on 06.12.2024 without Site Inspection Certificate. Apprehending the rejection of the petitioner's bid on the ground that the petitioner failed to produce Site Inspection Certificate, the petitioner has come before this Court with the above mentioned prayer.

5. Mrs.M.Jayanthi, the learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the Site Inspection Certificate was issued to the petitioner on 03.12.2024 and the same was sent to the petitioner by ordinary post on 05.12.2024. She also produced the xerox copy of Site Inspection Certificate sent to the petitioner along with endorsement that it was sent to the petitioner on 05.12.2024. The xerox copy of the same was also handed over to the petitioner's counsel.

6. The said statement made by the learned Additional Government



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Pleader appearing for the respondents is recorded.

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7. It is relevant to point out that the last date for submission of bid is 06.12.2024. However, even though the Site Inspection Certificate appeared to be signed on 03.12.2024, as seen from the xerox copy of the same produced before this Court, it was sent to the petitioner only on 05.12.2024 that too by ordinary post.

8. The learned counsel appearing for the petitioner submits that his client has not received the Site Inspection Certificate allegedly posted to its address on 05.12.2024.

9. It is also stated by the learned Additional Government Pleader appearing for the respondents that the technical bids are already opened and the successful technical bids will be further processed.

10. In view of the said statement, the petitioner is directed to submit the xerox copy of the Site Inspection Certificate, handed over by the learned Additional Government Pleader for the respondents to the petitioner's



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counsel, before the 4th respondent by tomorrow (i.e., 10.12.2024) at 10.00

a.m. The 4th respondent is directed to treat the xerox copy submitted by the petitioner as the original one and evaluate technical bid of the petitioner as if, it was submitted along with required Site Inspection Certificate. If the petitioner's technical bid is otherwise in order its bid can be considered for further stage (price bid) as per the tender conditions.

11. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

09.12.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

Note: Issue order copy today.



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To

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Public Works Department (PWD)
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Chennai – 600 009.
2. The Engineer-in-chief
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3. The Chief Engineer, (Buildings)
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S.SOUNTHAR, J.

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