



WP(MD)No.29162 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: .03.2024
PRONOUNCED ON : .06.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

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and

WMP (MD) Nos.25210 to 25212 of 2023

M/s.Bhavadharani Builders
represented by its Managing Partner,
Palani Kumar,
No.64, Ground Floor,
Pasupathi Street,
Jeeva Main Road,
Sellur, Madurai. ... Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and
Charitable Endowments Department,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam,
Chennai - 600 034.
- 2.The Joint Commissioner /
Executive Officer,
Hindu Religious and
Charitable Endowments Department,
T-66, 70, Tamil Nadu Housing Board Colony,
Ellis Nagar, Madurai District.
- 3.The Executive Officer /
Tender Inviting Authority,
Arulmigu Mulanadha Swami Temple,
Thenkarai, Vadipatti Taluk,
Madurai District. ... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the entire records relating to the impugned rejection order of the petitioner's tender in tender process in ID. 2023_HRCE_368771_1 dated 04.12.2023 and quash the same and further directing the respondents consider the financial bid of the petitioner in the tender process in ID.2023_HRCE_368771_1.

For Petitioner : Mr.R.Maheswaran

For Respondent : Mr.P.Subbaraj

Nos.1 and 2 Special Government Pleader

For Respondent : Mr.S.Manohar

No.3

ORDER

The petitioner has approached this Court challenging the rejection of his tender by the respondent for non-production of site visit certificate.

2.The learned Counsel for the petitioner submits that the 3rd respondent Executive Officer has invited tender for construction of Annadhana Mandapam in Arulmigu Chithira Radha Vallaba Perumal Thirukoil,



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Kuruivithurai, Vadipatti Taluk, Madurai District by notice dated 21.09.2023 and the last date for submission of bid was 26.09.2023 and bid opening time was 3.30pm on 26.09.2023. Along with the tender site visit certificate should also be enclosed. Therefore, the petitioner visited the site on 23.09.2023 and requested the 3rd respondent to issue site visit certificate, however he did not any such certificate from the 3rd respondent. Therefore, he submitted the bid on 26.09.2023. However his bid was rejected that site visit certificate and two other documents were not uploaded. Despite his request the petitioner was not provided with the site visit certificate. Therefore there is no fault on the petitioner. Therefore the impugned rejection order is liable to be set aside.

3.The learned Special Government Pleader appearing for the 3rd respondent submits that the 3rd respondent invited tender for construction of Annadhana Mandapam. There is a specific condition that the tenderer should personally visit the work



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site and submit a site visit certificate issued by the concerned Executive Engineer, HR and CE Department and if the site visit certificate is not uploaded, the tender will be summarily rejected by the tender inviting authority. Though the petitioner claims to have visited the place on 23.09.2023, requested the 3rd respondent Executive Officer to issue site visit certificate. The petitioner knowing well that the site visit certificate should be obtained from the Executive Engineer, HR and CE Department, Madurai Region, has requested the Executive Officer, who is not competent to give such a certificate. Since the petitioner submitted the bid without enclosing necessary certificates, it was rejected for non-enclosure of necessary certificate. He has also referred to the communication of the Executive Engineer, HR and CE Department, Madurai Region, wherein it is stated that the petitioner has not uploaded the site visit certificate, Technical Personnel Certificate and their consent certificate, partnership deed and power of attorney. Therefore, his bid was rejected.



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4.This Court considered the rival submissions and perused the materials placed on record.

5.The 3rd respondent Executive Officer has invited tender for construction of Annadhana Mandapam in Arulmigu Chithira Radha Vallaba Perumal Thirukoil, Kuruvithurai, Vadipatti Taluk, Madurai District by tender notice dated 21.09.2023. The last date for submission of bid was 26.09.2023 and bid opening time was 3.30pm on 26.09.2023. The petitioner has visited the site and requested the Executive Officer of the temple to issue site visit certificate, whereas it has to be obtained from the Executive Engineer. The petitioner should have approached the authority concerned for issuance of site visit certificate. The respondents claim that the petitioner had not only not attached the site visit certificate but also had not attached the Technical Personnel Certificate and their consent certificate, partnership deed and power of attorney. The tender notice specifies such documents have to be uploaded. The petitioners bid was rejected not only for non-enclosure of tender



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certificate but also for non-enclosure of other certificates and documents also. The petitioner has challenged the impugned order rejecting his bid for non-enclosure of certificates and he has not challenged the tender conditions. Therefore, this Court is not inclined to interfere with the impugned rejection order. According this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

.06.2024

DSK

Internet : Yes / No

NCC: Yes/ No



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To

WEB COPY

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B . PUGALENDHI , J .

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