



W.P.No.6490 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.6490 of 2025
and W.M.P.No.7144 of 2025

C.D.R.Constructions,
108, _Thattankattu Thottam,
Chinniyagoundenpalayam,
Sivagiri Post, Erode – 638 109.
(Rep. by its Sole Proprietor, Shri.D.Vadivel)

...Petitioner

-Vs-

1.The Executive Officer,
Sivagiri Town Panchayat,
Erode District – 638 109.

2.The Junior Engineer,
Sivagiri Town Panchayat,
Erode District – 638 109.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari calling for the record and quash the impugned tender notification issued by the first respondent in Na.Ka.No.155 of 2024 dated 12.02.2025.

For Petitioner : Mr.B.A.Sujay Prasanna

For Respondents 1 & 2 : Mr.N.Naveen Kumar,



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Government Advocate

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ORDER

The petitioner has filed this writ petition to call for the record and quash the impugned tender notification issued by the first respondent in Na.Ka.No.155 of 2024 dated 12.02.2025.

2. Learned counsel for the petitioner submitted that the petitioner is a Class I Contractor with NABARD Highways & Rural Roads and has successfully completed multiple projects. The first respondent issued a tender notification on 02.08.2024, in which the petitioner participated and submitted the lowest bid. A work order dated 23.08.2024 was issued but handed over only on 03.10.2024. Despite repeated representations, site hindrances and the failure of the first respondent to provide necessary certifications and technical specifications, prevented the commencement of work. The first respondent issued a notice on 08.11.2024 directing the petitioner to start work within three days. However, on 18.11.2024, the work order was canceled before the expiry of the contract period. Thereafter, the first respondent reissued multiple tenders for the same project on 19.11.2024, 23.12.2024 and 28.01.2025, forcing the petitioner to repeatedly deposit EMDs and suffer financial losses of Rs.32,24,371/- on material procurement. This being the



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case, the fourth tender was canceled on 08.02.2025 due to defects in the process. Subsequently, the first respondent issued a fresh tender notification on 12.02.2025 and the petitioner filed W.P.No.5166 of 2025 challenging the cancellation of work order. By order dated 20.02.2025, this Court set aside the cancellation, restoring the petitioner's subsisting valid work order in Na.Ka.No.155/2024, dated 23.08.2024, issued on 03.10.2024. The petitioner herein seeks to quash the impugned tender notification in light of the order in W.P.No.5166 of 2025. Hence, the petitioner has come forward with the present writ petition.

3. Learned Government Advocate appearing for the respondents 1 & 2 submitted that notice issued by the first respondent on 08.11.2024, wherein it is clearly stated that if the work does not commence within a period of three days from the date of receipt of said notice, the work order will be cancelled without any further intimation to the petitioner and the loss which occurred due to the such cancellation will be recovered from the petitioner.

4. Heard the learned counsel on either side and perused the materials available on record.



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5. The issue raised in this writ petition is no longer *res-integra* and the same is covered by the dictum laid down by this Court in W.P.No.5166 of 2025 dated 20.02.2025. For better appreciation, the relevant portion of the order is extracted hereunder:

“8. In this case, notice was issued on 08.11.2024 by the first respondent and the same was received by the petitioner. Thereafter, he submitted a reply/objection to the first respondent dated 18.11.2024 and without considering the same, the first respondent passed the impugned order dated 18.11.2024 cancelling the work order dated 23.08.2024 which was given to the petitioner on 03.10.2024. As per Clause I of the work order, the period of contract is three months from the date of issuance of work order, which means period starting from 03.10.2024 will be extended till 03.01.2025 and as per Clause 10 of the work order, if the work is not completed within three months as stipulated in the work order, then there is a gestation period i.e 90 days granted to the petitioner to complete the said work . Despite the above Clause 1 and 10, the first respondent without waiting for the period of three months as per Clause 1 and without even considering the reply/objections given by the petitioner, in response to the notice dated 08.11.2024 has passed the impugned order dated 18.11.2024.

9. In view of the factual matrix of the case, the impugned order passed by the first respondent dated 18.11.2024 cancelling the work order dated 23.08.2024 in Na.Ka.No.155 of 2024 dated 02.08.2024 is liable to be quashed and accordingly the same is hereby quashed.



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10. In the result, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

6. In view of the aforesaid order passed by this Court in W.P.No.5166 of 2025 dated 20.02.2025, the tender notification issued by the first respondent in Na.Ka.No.155 of 2024 dated 12.02.2025 cannot be sustained and liable to be quashed. Accordingly, the same is hereby quashed.

7. This writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

25.02.2025

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

To:

1.The Executive Officer,
Sivagiri Town Panchayat,
Erode District – 638 109.

2.The Junior Engineer,
Sivagiri Town Panchayat,
Erode District – 638 109.



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