



W.P.No.7467 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.7467 of 2025
and WMP.Nos.8352 & 8356 of 2025

R.Rama Rao

... Petitioner

vs.

The Superintending Engineer,
Storm Water Drain Department,
Rippon Building,
Greater Chennai Corporation,
Chennai 600 003.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records relating to the E-tender notification in Tender Notice No.SWDC.No.B1/0147/2025 dated 13.01.2025 (totally 34 works) on the file of the respondent quash the same in so far as the compliance of S1.No.11 regarding site visit certificate of Check List for submission of Bid is concerned and pass such further orders.

For Petitioner : Party-in-person



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For Respondent : Mr.M.Suresh Kumar
Addl.Advocate General
Assisted by Mr.G.T.Subramanian
Standing Counsel

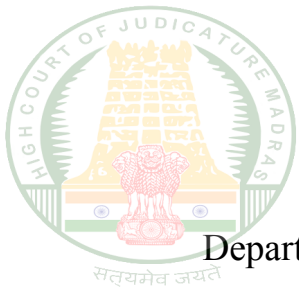
ORDER

A memo for withdrawal of vakalat dated 04.03.2025 was filed by the erstwhile counsel appearing for the petitioner stating that he has given a change of vakalat to the petitioner and has returned the entire papers to the petitioner. The same is taken on record.

2. By consent of both the party-in-person/petitioner and the learned Additional Advocate General for the respondent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The present writ petition has been filed challenging the Tender Notice of the respondent dated 13.01.2025 and quash the same.

4. According to the petitioner, he is a registered as Class-I contractor in the Greater Chennai Corporation, Highways and Public Works



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Department. On 13.01.2025, the respondent issued Tender Notification

regarding the Demolition and Reconstruction/New Construction of Storm

Water Drain at various streets in Zones-3, 4, 8 to 11 and improvements to

Pond at various locations in Zones 3, 4 and 11 of Chennai Corporation.

As per the Tender Notification, the bid must be submitted through online

upto 06.02.2025 at 1500 hrs. The tender documents (bids) received

through online shall be opened on 07.02.2025 at 15.30 hrs. Thereafter,

the respondent issued corrigendum dated 01.02.2025 postponing the

tender submission and opening that bid must be submitted online or or

before 15.00 hrs on 20.02.2025 and the same will be opened on

21.02.2025 at 15.30 hrs. in the office of the respondent. Again, the

respondent issued corrigendum dated 14.02.2025 postponing the tender

submission and opening that bid must be submitted on or before

04.03.2025 at 15.00 hrs and the same will be opened on 05.03.2025 at

15.30 hrs. in the office of the respondent.

5. It is submitted that as per instruction to bidders, as per Clause 6.1 of the Instructions to Bidders (ITB) is extracted hereunder :-



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6.1. The Bider at the Bider's own responsibility and risk, is encouraged to visit and examine the site of works and its surroundings and obtain all information that may be necessary for preparing the Bid and entering into a contract for construction of the works. The cost of visiting the site shall be at the Bidder's own expense.

As per Clause 6.1 of the tender bid document (Pre-qualification Document) issued by the respondent, there is already a requirement for the tenderers to inspect the project site before submitting the bid. Therefore, the requirement of certificate is not required. The exercise seems to know who are the tenderers. It is not mandatory to submit site visit certificate as per instruction to bidders or specific tender conditions other than mentioned in the check list.

6. It is further submitted that as per the check list for submission of bids mandates the bidders shall check the submission of relevant details and documents as mandated in the tender documents before submission of bids. But, there is no such mandatory condition for the production of site visit certificate in the instruction to bidders and also in the tender documents. It is not clearly mentioned by the respondent that if the site



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visit certificate is not submitted by the petitioner, the entire bid of the petitioner will be rejected. Aggrieved by the above said condition, the petitioner has filed the present writ petition.

7. The learned Additional Advocate General appearing for the respondent submitted that since the petitioner has already visited the site works, the Site Visit Certificate of Check List will be issued by the Executive Engineer of the respective Zone of the Corporation of Chennai.

8. It is submitted by the petitioner that the Site Visit Certificate format should be obtained from the respondent and the same should be submitted to the concerned Zonal Executive Engineer and on receipt of the same, Site Visit Certificate will be issued to him. The petitioner has already visited the site works on 27.02.2025 and he has also sent a mail on the same day itself to the Corporation. But, Site Visit Certificate has not been issued to the petitioner till date.

9. Heard both sides and also perused the materials available on record.



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J.SATHYA NARAYANA PRASAD, J.

kkd

10. Considering the submission made on both sides, **the concerned Zonal Executive Engineer of the Corporation of Chennai is directed to issue a Site Visit Certificate of Check List on 06.03.2025 at 11.00 a.m.**

11. This writ petition stands disposed of with the above direction.

No costs. Consequently, connected miscellaneous petitions are closed.

05.03.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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To

The Superintending Engineer,
Storm Water Drain Department,
Rippon Building,
Greater Chennai Corporation,
Chennai 600 003.

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