



W.P.No.8501 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 11.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

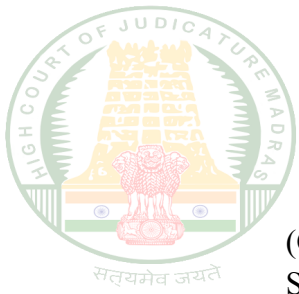
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SRE MCM & CO.,
REPRESENTED BY ITS MANAGING PARTNER,
MUTHUSAMY,
S/O. CHINNASAMY,
D.NO.5/ 441, KATTUR,
P.NATTAMANGALAM POST,
AMANI KONDALAMPATTY,
SALEM DISTRICT.

... Petitioner

Vs

1. THE STATE OF TAMIL NADU,
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
SECRETARIAT, FORT ST. GEORGE,
CHENNAI-600 009.
2. THE ENGINEER IN CHIEF ENGINEER (BUILDINGS),
PUBLIC WORKS DEPARTMENT,
CHEPAUK, CHENNAI-600 005.
3. THE CHIEF ENGINEER, (BUILDINGS)
PUBLIC WORKS DEPARTMENT,
COIMBATORE REGION,
COIMBATORE DISTRICT.
4. THE SUPERINTENDING ENGINEER,
PUBLIC WORKS DEPARTMENT,
BUILDINGS, (CONSTRUCTION AND MAINTENANCE) CIRCLE,
SALEM, SALEM DISTRICT.
5. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
CONSTRUCTION AND MAINTENANCE



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(C AND M) DIVISION, SALEM,
SALEM DISTRICT.

... Respondents

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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the fifth respondent to issue site visit certificate to the petitioner for the e-tender notice issued by the fourth respondent vide No.25/2024-25/SE/B (C & M) C/SLM dated 30.12.2024 and consequently permit the petitioner in the e- tender dated 30.12.2024 issued by the fourth respondent.

For Petitioner : Mr.Chenthoori Pugazendhi
for Mr.K.Balu

For R1 to R5 : Mr.V.P.R.Ilamparithi
Additional Government Pleader

ORDER

This writ petition is filed with a prayer to direct the fifth respondent to issue a site visit certificate to the petitioner in respect of the e-tender notice issued by the fourth respondent vide No.25/2024-25/SE/B (C & M) C/SLM dated 30.12.2024, and consequently, permit the petitioner to participate in the e-tender dated 30.12.2024.

2. The grievance of the petitioner is that when the above tender was called, the petitioner participated. The petitioner made the site visit on time and had also requested for the site visit certificate in time. However, it is only the



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respondents who are not granting the site visit certificate and now they are proceeding with the consideration of the technical bids. It is likely that the petitioner's tender will be rejected for lack of the site visit certificate and hence, the petitioner is before this Court.

3. When the matter came up for admission, the learned Additional Government Advocate appearing on behalf of the respondents by producing written instructions, submitted that there were four bidders in the tender. Among the four bidders, the petitioner has been declared not qualified in the pre-qualification evaluation for two reasons. Firstly, it is stated that the petitioner has not uploaded the site visit certificate. Secondly, the petitioner has not uploaded the document of agreement with the electrical contractor having Electrical License/Electrical Registration Certificate, as per the pre-qualification condition para 2V(b).

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. It is true that, in many cases, this Court has come to the rescue of the petitioner with regard to the site visit certificate. If the petitioner is disqualified



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only on the ground of the site visit certificate, then certainly the respondents can be directed to consider the petitioner's bid by issuing the site visit certificate prospectively. However, since it has been brought to the notice of this Court that there are other disqualifications, this writ petition is disposed of on the following terms:-

(i) The petitioner shall be communicated in writing the grounds on which the petitioner's bid is disqualified and the petitioner will be entitled to challenge the same in the manner known to law.

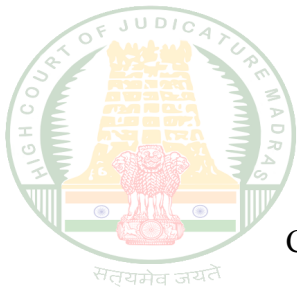
(ii) It is made clear that the petitioner's case cannot be rejected only on the grounds of the lack of the site visit certificate. No costs.

11.03.2025

Neutral Citation: Yes/No
nsl

To

1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
SECRETARIAT, FORT ST. GEORGE,



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CHENNAI-600 009.

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2. THE ENGINEER IN CHIEF ENGINEER (BUILDINGS),
PUBLIC WORKS DEPARTMENT,
CHEPAUK, CHENNAI-600 005.
3. THE CHIEF ENGINEER, (BUILDINGS)
PUBLIC WORKS DEPARTMENT,
COIMBATORE REGION,
COIMBATORE DISTRICT.
4. THE SUPERINTENDING ENGINEER,
PUBLIC WORKS DEPARTMENT,
BUILDINGS, (CONSTRUCTION AND MAINTENANCE) CIRCLE,
SALEM, SALEM DISTRICT.
5. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
CONSTRUCTION AND MAINTENANCE
(C AND M) DIVISION, SALEM,
SALEM DISTRICT.

D.BHARATHA CHAKRAVARTHY, J.



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ns1

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