



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP.No.14908 of 2025

and

WMP.No.16808 of 2025

M/s.Sree Ganesh Asphalts,
Contractor Code No.86242,
No.3 Ground Floor, Triveni Towers,
Redhills Road, Pudur,
Ambattur 600053,
Rep. by its Proprietor,
V.Chockalngam.

Petitioner(s)

Vs

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600003.

2.The Superintending Engineer,
Bus Route Roads Department,
Amma Maligai,
Greater Chennai Corporation,
Chennai 600003.

3.The Executive Engineer (BRR),
Bus Route Roads Department,
Amma Maligai,



Greater Chennai Corporation,
Chennai 600003.

WEB 4. Tamil Nadu Pollution Control Board

Rep. by its District Environmental
Engineer, Maraimalai Nagar,
Chengalpattu District.

Respondent(s)

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 Mandamus, directing the respondents to issue machinery certificates to the petitioner to participate in the tenders viz. 1) BRR.C.No.B4/1162/2025(24 works) and 2) BRR.C.No.B4/1164/2025 (15 works) both were published in the press on 06.04.2024 and the documents were uploaded on 12.04.2025 on the file of the 2nd respondent as per the application of the petitioner dated 22.04.2025 and permit the petitioner to upload his bid without insisting upon the production of valid pollution control Board Certificate for central mix plant and the same may be produced before the work order is issued if the petitioner is the successful bidder and pass such further orders.

For Petitioner: Mr.S.Doraisamy

For Respondents: Mr.M.Suresh Kumar,
Additional Advocate General
Assisted by Mr.E.C.Ramesh,
Standing Counsel
for R1 to R3

Mr.V.Gunasekar,
Standing Counsel
for R4



ORDER

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This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to issue machinery certificates to the petitioner to participate in the tenders viz. 1) BRR.C.No.B4/1162/2025 (24 works) and 2) BRR.C.No.B4/1164/2025 (15 works) both were published in the press on 06.04.2024 and the documents were uploaded on 12.04.2025 on the file of the 2nd respondent as per the application of the petitioner dated 22.04.2025 and permit the petitioner to upload his bid without insisting upon the production of valid pollution control Board Certificate for central mix plant and the same may be produced before the work order is issued if the petitioner is the successful bidder.

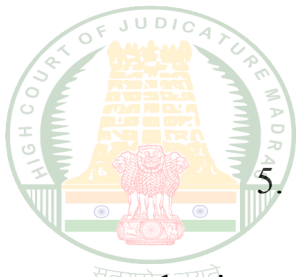
2. The petitioner, M/s.Sree Ganesh Asphalts, is a state-level Class - I contractor with experience in executing civil works for government departments. The petitioner owns several high-value machineries, including imported milling machines and paver machines. On 06.04.2024, the 2nd respondent (Greater Chennai Corporation) issued two tender notifications for road improvement works viz.1) BRR.C.No. B4/1162/2025 (24 works) and 2)



BRR.C.No. B4/1164/2025 (15 works). The petitioner intended to participate and downloaded the bid documents. The tender required the petitioner to submit a machinery certificate issued by the 3rd respondent (Executive Engineer, Greater Chennai Corporation), proving ownership of machinery in working condition.

3. The petitioner applied for the machinery certificate on 22.04.2025. However, the 3rd respondent did not inspect the machinery or issue the certificate, despite previous certificates being issued to the petitioner. The petitioner claims the delay is intentional to prevent their participation in the tender process. The last date for submission is 29.04.2025, and without the certificate, the petitioner is unable to submit their bid, which causes financial harm. The petitioner has no alternative remedy and seeks a writ from this Court.

4. Learned Counsel appearing for the Petitioner submits that the requirement imposed by the respondents to produce a pollution control certificate at the bid submission stage is arbitrary and contrary to the directions of the Hon'ble National Green Tribunal (Southern Zone) in O.A.No.54 of 2025 (SZ), which mandates such consent only before the issuance of the work order and commencement of work.



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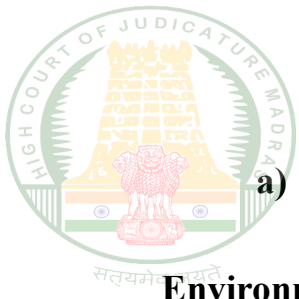
5. It is submitted that the petitioner's bid was unjustly rejected despite having already applied for the certificate, which is pending before the competent authority. The delay in issuing the certificate is without valid reason, even though the petitioner possesses the necessary machinery in working condition and has previously been granted such certificates.

6. The third respondent is alleged to have selectively withheld the certificate to favour certain contractors, thereby violating the petitioner's right to participate in tenders under Article 19(1)(g) of the Constitution of India. With no alternative remedy, the petitioner has approached this Court through the present writ petition.

7. Learned Additional Advocate General appearing for respondents 1 to 3 would submit that the petitioner may be directed to submit his tender on or before 02.05.2025 and the same would be considered by respondents 1 to 3 on merits, in accordance with law within a time frame stipulated by this Court.

8. Heard both sides and perused the materials available on record.

9. In view of the above facts and circumstances of the case, this Court is inclined to pass the following directions:



a) The petitioner is directed to appear before the concerned District Environmental Engineer by tomorrow [29.04.2025] at 10.30 a.m.

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b) The petitioner is directed to submit his tender on or before 02.05.2025 by 3 p.m. that is the last date for submitting the tender.

c) On receipt of the same, the 4th respondent is directed to inspect the site of the petitioner and, if satisfied with the guidelines of the Tamil Nadu Pollution Control Board, issue the consent to the petitioner on or before 06.05.2025 so as to enable the petitioner to submit the same before respondents 1 to 3 on 07.05.2025 by 3 p.m., the last date fixed by the respondents Corporation, since it is one of the conditions stipulated in the tender Notification issued by the 2nd respondent.

In the result, the writ petition stands disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

28-04-2025

cda

Index: Yes/No

Speaking/Non-speaking order

NOTE: Issue order copy by 30.04.2025



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To

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600003.

2.The Superintending Engineer,
Bus Route Roads Department,
Amma Maligai,
Greater Chennai Corporation,
Chennai 600003.

3.The Executive Engineer (BRR),
Bus Route Roads Department,
Amma Maligai,
Greater Chennai Corporation,
Chennai 600003.

4.District Environmental Engineer,
Tamil Nadu Pollution Control Board
Maraimalai Nagar, Chengalpattu District.



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WP.No.14908 of 2



J.SATHYA NARAYANA PRASAD J.

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