



W.A.No.1672 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

WEB COPY

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mr.JUSTICE M.JOTHIRAMAN

WA NO. 1672 of 2025
and CMP.12581 of 2025

1.The Superintending Engineer
Highways Department,
Construction and Maintenance,
Salem.

2.The Divisional Engineer
Highways Department
Construction and Maintenance
Namakkal

.. Appellant(s)

Vs

1.Meenakshisundaram Kumararaja
Proprietor of Galaxy enterprises, Poongavanapuram
St, Thiruvattiyur, Chennai.

2.Hariwaylines Pvt. Ltd
NO.14/09, Flat No. 102, Bhakthavatchalam Nagar,
4th St, Adayar, Chennai 600 020

..Respondent(s)

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent praying to set aside the order dated 27.03.2024 made in W.P.No.5761 of 2024.

For Appellant(s): Mr. M.Venkateswaran, Spl G.P.



W.A.No.1672 of 2025

ORDER

WEB COPY (Order of the Court was made by the Hon'ble J.Nisha Banu J.)

This Writ Appeal is filed by the Highways Department praying to set aside the order dated 27.03.2024 made in W.P.No.5761 of 2024, whereby, the writ court intervened to the procedure followed by the authority alone and set aside the impugned order Tender ID.No.2024-HWAT- dated 20.02.204.

2. The learned Single Judge pointed out that the intention of the State to go digital is clear; in this case, the tender Notification uses the phrase 'on-line'; if, in spite of the same, the authorities wish to receive any documents in physical form, such requirement (which, prima facie, appears to be contrary to Rule 4-A and G.O.Ms.No.94 dated 30.03.2023), would have to be stipulated specifically as a deviation clearly mentioning which documents are to be furnished additionally in hard copy as well. The learned Single Judge further held that with the clear expression that the tender is in on-line mode only, the explanation that the bid documents are to be in hard copy is clearly contrary to the Act and the tender notification itself. “

3. The learned Single Judge also referred to similar order passed by the Madurai Bench of the Madras High Court and in paragraph 10, observed as



W.A.No.1672 of 2025

follows:-

WEB COPY

“ 10. An identical issue came up before the Madurai Bench of the Madras High Court agitated by this very same petitioner concerning the tender floated by the same respondents as before me, in Dindigul and by order passed in W.P.(MD).Nos.4531 & 4532 of 2024 on 01.03.2024, the writ petitions have been allowed and that order has attained finality.”

4. As far as the grounds taken in the present writ appeal that it is not possible to revoke the tender process from the scrutiny stage post finalization of tender and more particularly refunding, after the refunding EMD to the unsuccessful tenderers and various other contentions are concerned, when the procedure followed by the authority is found deviated and contrary to Rule 4-A of Tamil Nadu Transparency in Tender Rules, 2000 and G.O.Ms.No.94 dated 30.03.2023, we do not find any merit in this appeal. Accordingly, this Writ Appeal is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
09-06-2025

nvsri

Page 3/4



WEB COPY



W.A.No.1672 of 2025

**J.NISHA BANU, J.
AND
M.JOTHIRAMAN, J.**

nvsri

To

1. Meenakshisundaram Kumararaja
Proprietor of Galaxy enterprises, Poongavanapuram St,
Thiruvattiyur, Chennai.

2. Hariwaylines Pvt. Ltd
NO.14/09, Flat No. 102, Bhakthavatchalam Nagar, 4th St, Adayar, Chennai
600 020

WA NO. 1672 of 2025

09.06.2025