



WP No. 22081 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 22081 of 2025

1. Lakshmi Roads And Infra
Represented By Its Partner
Mr.C.Shakthivel
Having An Office At No 6-363, Ward 6
Bye Pass Road, Theethagiri Nagar,
Palakode Taluk, Dharmapuri 636 808

Petitioner(s)

Vs

1. The District Collector
Dharmapuri District,
District Collector Office,
1st Floor, Salem Main Road
Near Superintendent Of Police Office,
Tamil Nadu 636 705

2. Director Of Town Panchayats
Directorate Of Town Panchayat
7th And 8th Floor,
Urban Administrative Office Campus
Chennai 600 028



3.Assistant Director (Town Panchayat)
Dharmapuri Zone,
Dharmapuri District

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4.Executive Officer
Marandahalli Town Panchayat
Dharmapuri District

5.Murugan K
No 22, Krishnapuram
Pennagaram Taluk
Dharmapuri 636 810

Respondent(s)

PRAYER

Calling for the records relating to the E Tender bearing Tender ID 2025 _DTP _ 561842 _ 1 and Tender Ref. No 245/ 2025 / A1 issued by the 4th Respondent under the Tamil Nadu Urban Roads Infrastructure Project (TURIP) 2025 26, and quash the Tender summary Report dated 11.06.2025 rejecting the Petitioner's technical bid and consequently direct the 4th Respondents to consider the petitioner's technical bid in accordance with law and permit the petitioner to further participate in the E-Tender bearing Tender ID 2025_DTP _ 561842 _1 and Tender Ref. No 245/2025 / A1.

For Petitioner(s): Mr.B.Prashanth Nadaraj

For Respondent(s): Mr.E.Veda Bagath Singh
Special Government Pleader For R1
Mr.M.S.Prem Kumar
Govt.Advocate For R2 And 3
Mr. K. Tamil Vendan
Government Advocate For R4



ORDER

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This writ petition has been filed challenging the e-tender issued by the 4th respondent dated 11.06.2025 rejecting the petitioner's technical bid and for a consequential direction to the 4th respondent to consider the technical bid submitted by the petitioner and permit the petitioner to participate in the final bid.

2. When the matter was taken up for hearing on 20.06.2025, this Court passed the following order,

“Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice on behalf of the 1st respondent.

2.Mr.M.S.Premkumar, learned Government Advocate takes notice on behalf of respondents 2 and 3.

3.Mr.K.Tamilvendan, learned Government Advocate takes notice on behalf of the 4th respondent.

4.Notice to the 5th respondent, returnable by 27.06.2025. Private notice is also permitted.

5.The main issue that has been raised by the learned counsel for the petitioner is that his technical bid was rejected on the ground that he did not annex the proforma as provided under Clause 9(iv) of the Technical Bid (Pre qualification and Price Bid Notice Form of Contract). The petitioner did not annex Annexure-A to Annexure-F and whereas, he had annexed Annexure-G and Annexure-H which are mandatory. The learned counsel pointed out to Clause 24.1 and 24.2 and submitted that while evaluating



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Part I of the bid, it will suffice if it substantially fulfils the requirement of the bidding documents. As to what is a substantial response, an indication is given in Clause 24.2 and the Annexure-A to AnnexureF does not in any way substantially affect the scope, quality of performance of the work or is not inconsistent with the bidding document or it will not unfairly affect the competitive position of the other bidders.

6.The learned counsel further submitted that for a very similar bid, the petitioner was found to be a successful bidder for Palacode Town Panchayat. Therefore, a different yardstick has been followed in the present writ petition.

7.Considering the above grounds raised by the petitioner, it is made clear that if the bid has been finalized, the same will be subject to the final result in this writ petition.

8.Post this writ petition on 27.06.2025 at the end of the motion list.”

3.The writ petition was thereafter listed for hearing on 09.07.2025 and this Court passed the following order,

“This Court heard the learned counsel for the petitioner and also the learned Government Advocate appearing on behalf of the respondents 1 to 4.

2. Learned Government Advocate submitted that there were totally three bidders during the evaluation of Part I of the bids. Insofar as the petitioner and another bidder, it was rejected mainly on the ground that they did not annex Annexure-A to Annexure-F. He further submitted that the non-annexure of Annexure-A to Annexure-F will result in the petitioner not substantially responsive to the



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requirements of the bidding documents. To substantiate the same, the learned Government Advocate brought to the notice of this Court Clause 24 of the Technical Bid (Pre Qualification) and Price Bid Notice Form of Contract.

3. Learned counsel for the petitioner submitted that whatever is contained in Annexure A to Annexure F is very much available in the technical bid documents that were submitted by the petitioner.

4. When the earlier order was passed on 20.06.2025, this Court had specifically taken note of the fact that the petitioner was found to be a successful bidder for Palacode town Panchayat and whereas a different yardstick is followed in the present case. This observation was made at Paragraph 6 of the order. The counter affidavit filed by the fourth respondent is silent on this issue. Hence, this Court questioned the learned Government Advocate as to how the petitioner not complying with the very same requirements was condoned and declared as the successful bidder for Palacode Town Panchayat and whereas in the present bid, it was rejected. This Court insisted that consistency must be maintained by the respondents and they cannot take a different stand for each of the bid.

5. Learned Government Advocate seeks for some time to take instructions in this regard. Post this writ petition at the end of the Motion List on 16.07.2025.”

4. The writ petition was again posted for hearing on 16.07.2025 and the following order came to be passed by this Court,



“Pursuant to the earlier order passed by this Court on 09.07.2025, the matter was listed for hearing today. 2.The report of the Executive Officer of Palakode Panchayat was placed before this Court and the same is extracted hereunder:

தருமபுரி மாவட்டம்-பாலக்கோடு தேர்வுநிலை பேரூராட்சியில் சிறப்பு நிதி திட்டம்- 2025-26 -ன் கீழ் பேவர் பிளாக் சாலை அமைக்க ரூ.87.00 இலட்சம் மதிப்பீட்டில் பணிகள் மேற்கொள்ள பேரூராட்சிகளின் ஆணையர் சென்னை-28 அவர்களின் கடித ந.க.எண்.5300/2025/பி5நாள்.24.04.2025-ன் படி நிர்வாக அனுமதி வழங்கப்பட்டதை தொடர்ந்து பேரூராட்சிகளின் இயக்க கண்காணிப்பு பொறியாளர் சென்னை-28 அவர்களின் கடித ந.க.எண். 437/2025-2026, நாள்.30.04.2025-படி தொழில்நுட்ப அனுமதி வழங்கப்பட்டது. மேற்படி பணிகளை மேற்கொள்ள 21.05.2025 அன்று நாளிதழில் மாநில அனிலிலான ஒப்பந்தப்புள்ளி விளம்பரம் செய்யப்பட்டு 28.05.2025 அன்று இணையதள வாயிலாக (E Tender) ஒப்பந்தப்புள்ளி கோரப்பட்டது. அன்றைய தேதியில் யாரும் ஒப்பந்தப்புள்ளி கோராததால் 04.06.2025 அன்று இணையதள வாயிலாக (E Tender) மறு ஒப்பந்தப்புள்ளி அறிவிப்பு வெளியிட்டு ஒப்பந்தப்புள்ளி கோரப்பட்டதில் இரண்டு ஒப்பந்ததாரர்கள் முறையே 1.DKB Construction & Contractor 2.Lakshmi Roads Infra என்ற இரண்டு நிறுவனங்களால் ஒப்பந்தப்புள்ளிகள் அளிக்கப்பட்டது. இரண்டு நிறுவனங்கள் தொழில்நுட்ப சூரந்தாய்வுக்கான (Technical Evaluation) கீழ்க்கண்ட ஆவணங்கள் அனைத்தும் Etender வலைதளத்தில் பதிவேற்றம் செய்துள்ளனர்

1. Earnest Money Deposit (EMD)
2. Contractor registration
3. Civil Engineering construction field at least for the past Five year
4. Annual minimum financial turnover
5. Single agreement
6. Bank account Guarantee
7. Major Equipments
8. GST Certificate
9. Annexure A to H (Supporting Document) Yes
10. Cover Enclosed (Not Applicable)

எனவே தொழில்நுட்ப சூரந்தாய்வு (Technical Evaluation) மேற்கொள்ளப்பட்டதில் ஒப்பந்தப்புள்ளிக்கான அடிப்படை ஆவணங்கள் அனைத்தும் இரண்டு நிறுவனங்களால் சமர்ப்பிக்கப்பட்டதால் இரண்டு நிறுவனங்களும் தொழில்நுட்ப தகுதியுடையவர்களாக தேர்வு செய்யப்பட்டது. அடுத்தபடியாக விலைப்புள்ளி (Price Bid) 07.06.2025 அன்று திறக்கப்பட்டதில் குறைந்த விலைப்புள்ளி அளித்துள்ள DKB Construction & Contractor L-1 ஆக தேர்வு செய்யப்பட்டுள்ளார் என்பதை பணிவுடன் தெரிவித்துக்கொள்கிறேன்.

3.It is clear from the above report that the petitioner had submitted the very same documents while participating in the tender called for by Palakode Panchayat and the said Panchayat has come to a conclusion that all the relevant documents have been submitted by the petitioner and the petitioner was cleared in the technical bid. However,



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in the financial bid, the other bidder had quoted a lower price and therefore, he was declared as the successful bidder. 4.The Palakode Panchayat has not taken a stand that qualifying the petitioner in the technical bid was illegal. Rather, the report shows that the petitioner had satisfied the basic minimum requirement as contemplated under Clause 24.2. Hence, the yardstick cannot differ from one panchayat to the other and there must be uniformity while dealing with the technical bid.

5.While passing the interim order, this Court had made it clear that the finalisation of the bid will be subject to the final result in the writ petition. Hence, if any orders are passed in this writ petition, it will impact the interest of the 5th respondent who is the successful bidder. The notice that was sent to the 5th respondent has been returned as 'Unserved'. Even, the private notice has been returned as 'Unserved'. Hence, there shall be a direction to the 4th respondent viz., the Executive Officer, Marandahalli Town Panchayat to inform the 5th respondent and ensure that the 5th respondent appear in person or through counsel during the next date of hearing. This will enable this Court to pass final orders after hearing the 5th respondent. 6.Post this writ petition at the end of the motion list on 23.07.2025.”

5. Pursuant to the above order, the 4th respondent has informed the 5th respondent who is the successful bidder and the 5th respondent was also present before this Court in person. He submitted that the 4th respondent has already declared the 5th respondent as a successful bidder and therefore, it is the responsibility of the 4th respondent to safeguard the interest of the 5th



respondent. Hence, he virtually adopted the arguments put forth by the 4th respondent.

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6. Heard Mr.B.Prashanth Nadaraj, learned counsel for the petitioner and Mr.E.Veda Bagath Singh, learned Special Government Pleader appearing for the 1st respondent and Mr.M.S.Prem Kumar learned Government Advocate appearing for the 2nd and 3rd respondents and Mr. K. Tamil Vendan, learned Government Advocate appearing for the 4th respondent.

7. As has been observed in the earlier order, the petitioner, who submitted similar documents before the Palakode Panchayat, was found to be a successful bidder and his technical bid was accepted. For the very same set of documents which were submitted by the petitioner in this auction, the 4th respondent has rejected the same on the ground that the petitioner did not submit the concerned documents by annexing Annexure A to F.

8. This Court even on the earlier hearing, has made it clear that the same yardstick must be followed by all the Panchayats coming under the 2nd respondent, considering the fact that the terms of the tender are the same. Therefore, each panchayat cannot give a different interpretation and it will become farcical if one of the panchayat has accepted the tender and the another panchayat based on the very same documents, rejects the technical bid of the petitioner. If this is permitted, it will lead to arbitrariness. Therefore, considering



the documents that have been submitted by the petitioner, it must be taken that the petitioner has satisfied the basic minimum requirements as contemplated under Clause 24.2.

9. The learned Government Advocate appearing on behalf of the official respondents submitted that the price bid of the 5th respondent has already been open and he has been declared as a successful bidder. Therefore, if this Court interferes with the final decision, the 4th respondent will proceed further to undertake the process of re-tender.

10. Taking into consideration the facts and circumstances of the case, and based on the reasons that have already been assigned by this Court in the earlier orders passed, the Tender ID 2025 _DTP _ 561842 _ 1 and Tender Ref. No 245/ 2025 / A1 issued by the 4th Respondent under the Tamil Nadu Urban Roads Infrastructure Project (TURIP) 2025 26 dated 11.06.2025, is hereby quashed and the bid that was given in the favour of the 5th respondent is set aside and there shall be a direction to the 4th respondent to issue a fresh tender and proceed further in accordance with law.



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11. In the result, the writ petition stands allowed in the above terms. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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- To
- 1.The District Collector
Dharmapuri District, District Collector
Office, 1st Floor, Salem Main Road
Near Superintendent Of Police Office,
Tamil Nadu 636 705
 - 2.Director Of Town Panchayats
Directorate Of Town Panchayat 7th And
8th Floor, Urban Administrative Office
Campus Chennai 600 028
 - 3.Assistant Director (town Panchayat)
Dharmapuri Zone, Dharmapuri District
 - 4.Executive Officer
Marandahalli Town Panchayat
Dharmapuri District



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N.ANAND VENKATESH J.

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