



W.P.Nos.36948 & 36431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P.Nos.36948 & 36431 of 2024
and WMP.Nos.39893 & 39894 of 2024

W.P.No.36948 of 2024

T.Selvam

... Petitioner

Vs

1. The District Collector
Sathuvachari
Vellore District.
2. The Director of Planning
Rural Development and Local Department
District Collector Office
Sathuvachari
Vellore District – 9
3. The Block Development Officer
K.V.Kuppam Union
Vellore District.
4. B.Karthik

.... Respondents



W.P.Nos.36948 & 36431 of 2024

Prayer in W.P.No.36948 of 2024: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for the entire records in pursuant to the work order issued to the 4th respondent vide proceedings of the 3rd respondent in Na.Ka.A2/98/2024 dated 19.11.2024 and quash the same with a consequential direction to issue work order to the petitioner in pursuant to the work of providing cement, concrete pavement at Vidhya Nagar in Sethuvandai Panchayat K.V.Kuppam NNT 2024-25 package No.01 within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.S.J.Mohamed Sathik
Govt. Advocate for R1 to R3
Mr.S.N.Kirubanandam
for R4

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Karthik.B.

... Petitioner

Vs

1. The Block Development Officer (BP)
K.V.Kuppam Block,
Vellore.
2. M/s.Beemji Enterprises
No.25, VTK Nagar,
Valliyammal Road,



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Katpadi, Vellore 7

.... Respondents

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Prayer in W.P.No.36431 of 2024: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the 1st respondent to produce the records relating to the Award of Tender/Work order by the 1st respondent to the 2nd respondent and further direct the 1st respondent to conduct detailed enquiry and cancel the contracts/work orders issued to the 2nd respondent from 20.05.2024 to till date if the award of tenders are contrary to the tender conditions and black list the 2nd respondent and further direct the 1st respondent to allot the tender to the eligible persons or bidders on the basis of the representation dated 21.09.2024 and 25.10.2024.

For Petitioner : Mr.S.N.Kirubanandam

For Respondents : Mr.S.J.Mohamed Sathik
Govt. Advocate for R1
Mr.T.P.Prabakaran
for R2

COMMON ORDER

W.P.No.36948 of 2024 has been filed for issuance of a writ of certiorarified mandamus to call for the entire records pursuant to the work order issued to the 4th respondent vide proceedings of the 3rd



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respondent in Na.Ka.A2/98/2024 dated 19.11.2024 and quash the same with a consequential direction to issue work order to the petitioner relating to the work of providing cement, concrete pavement at Vidhya Nagar in Sethuvandai Panchayat K.V.Kuppam NNT 2024-25 package No.01 within a stipulated time.

W.P.No.36431 of 2024 has been filed for issuance of writ of mandamus directing the 1st respondent to produce the records relating to the Award of Tender/Work order by the 1st respondent to the 2nd respondent and further direct the 1st respondent to conduct detailed enquiry and cancel the contracts/work orders issued to the 2nd respondent from 20.05.2024 to till date if the award of tenders are contrary to the tender conditions and black list the 2nd respondent and further direct the 1st respondent to allot the tender to the eligible persons or bidders on the basis of the representation dated 21.09.2024 and 25.10.2024.

2. Since both these writ petitions have been filed relating to either grant of tender or refusal to grant tender with respect to the same work by



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the Block Development Officer, (BP), K.V.Kuppam Block, Vellore, a common order is passed in both these writ petitions.

3. Both these writ petitioners have participated in a tender for construction of cement concrete pavement at Vidhya Nagar in Sethuvandai Panchayat under the “Namakku Naame Thitham” (NNT) 2024-2025. A notification in this regard had been issued by the District Rural Development Agency Vellore by notification in Na.Ka.No.A8/3211/2023 dated 10.09.2024. Various projects had been listed in the said notification. The specific project for which these writ petitions have been filed is at entry No.39. The Block Development Officer at K.V.Kuppam had taken a decision to grant the tender to the writ petitioner in W.P.No.36431 of 2024 and had rejected the tender documents submitted by the writ petitioner in W.P.No.36948 of 2024.

4. A perusal of the documents filed reflect that it is the common case for both the writ petitioners that the writ petitioner in W.P.No.36948 of 2024 was not permitted to participate in the auction. The reason for



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refusal to permit him to participate was that he had not produced two necessary documents namely the solvency certificate and a certificate that registration as a contractor is still alive. This would depend upon the renewal of the existing certificate. At the time when the documents submitted along with the bids were examined, it was opined that the petitioner in W.P.No.36948 of 2024 had not produced the solvency certificate and the renewal of the registration certificate of registration as a contractor.

5. It is the case of writ petitioner in W.P.No.36431 of 2024 that both these documents are required and are essential and in the absence of production of those documents, there could be a refusal of permission to participate in the tender. It had been contended that subsequent to the grant of work order on 13.11.2024, 20% of the work had been completed and bills had also been raised for the same. At the time when the writ petitions came up for hearing it is contended that 90% of the work had been completed.



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6. This Court will have to determine whether production of the solvency certificate and the registration renewal certificate are essential to enable a participant to participate in the tender process. Even otherwise, it must also be mentioned that if there is an order passed by the tender evaluating committee regarding non submission of essential documents, then Section 11 of the Tamil Nadu Transparency in Tenders Act, 1988 provides a window for filing an appeal. It is not informed to this Court whether the petitioner in W.P.No.36948 of 2024 had taken that recourse which is available in that statute. But however, the writ petition has been filed. In the writ petition notice alone had been directed. The writ petitioner in W.P.No.36948 of 2024 had been impleaded as the 2nd respondent in W.P.No.36431 of 2024 and simultaneously the writ petitioner in W.P.No.36431 of 2024 had also been impleaded as the 4th respondent in the writ petition in W.P.No.36948 of 2024. Both the learned counsels placed reliance on the documents which had been specified in the notification and in the tender. Among other documents which were required, it is seen that one of the essential documents is the value of solvency and monetary limit for bidding and the fact that the



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registration as contractor should be live. This would indicate that even if they have been registered with other department, a certificate must be produced that such registration is alive as on the date of submission of the tender document.

7. Admittedly, the petitioner in W.P.No.36948 of 2024, T.Selvam, proprietor of Beemji Enterprise did not submit the solvency certificate and the renewal of registration certificate. An explanation had been given that so far as registration is concerned initially, the procedure was to apply for registration through online process. It had been however contended that a letter had been received from the respondents that there was a failure in the computer system and that offline renewal of registration should be done. It is contended that accordingly the petitioner in W.P.No.36948 of 2024 had applied through online and subsequently in the month of December 2024 the renewal certificate had also been given, but the work order had been given earlier on 13.11.2024. If the petitioner in W.P.No.36948 of 2024 was of the impression that the subsequent document should be taken into consideration, then the only



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authority who could take that document into consideration is not the Block Development Officer but the District Collector at Vellore.

8. It is contended that a representation in this regard had been given to the District Collector at Vellore. But however, in the matters of contract and award of tender the scope of examination of the grant of award or rejection of tender by the Court under Article 226 of the Constitution is extremely narrow.

9. The Tamil Nadu Tender Transparency Act is an inbuilt Act. It has a procedure relating to calling of tenders, issuance of notification in this regard, scrutinisation of papers, examination of those papers, passing of order relating to either acceptance or rejection of the bid and finally grant of tender. On all these aspects an appellate authority is also put in place by the statute. There is no bar as to who could approach the appellate authority or who could not approach the appellate authority. If a tenderer is of the opinion that his papers have been wrongly refused he can always approach the appellate authority. The procedure is in built in



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the Act.

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10. No reason had been advanced as to why the writ petitioner in W.P.No.36948 of 2024 had not filed any appeal as required under the statute. Section 11 of the Act is very clear. It provides for an appeal to be filed by any tenderer who is aggrieved by an order passed by the tender accepting authority. The authority who can issue the work order is the Block Development Officer, K.V.Kuppam Union at Vellore. The said officer who is named as a respondent in both the writ petitions had given the reason why the tender documents submitted by the petitioner in W.P.No.36948 of 2024 had been rejected. He had very clearly stated that the said petitioner had not produced the renewal of the registration certificate as a contractor.

11. On the other hand, the petitioner in W.P.No.36431 of 2024 had produced all the relevant records. The award of a contract is on the subjective satisfaction of the tender awarding authority. Unless it is shown that the said tender was granted with pre-determined decision to



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grant the contract, the Court cannot and should not interfere with the grant.

12. As on this date, it is also seen that consequent to grant of award of the contract, the petitioner in W.P.No.36431 of 2024 had also completed nearly 90% of the work. Even on the date of filing of the writ petition, that amount of work had been completed. It is only appropriate that the further work is taken up and the entire issue comes to its logical end. Arguments were also advanced with respect to black listing of both these writ petitioners for various reasons, but the power of this Court to examine such representation is extremely narrow. The Court cannot even pass any observation relating to the grievances which had been advanced seeking to black list both the writ petitioners. That is the privilege and prerogative of the officials concerned and not of this Court.

13. In view of the fact that the balance is definitely in favour of the writ petitioner in W.P.No.36431 of 2024 and admittedly on the date when work order was issued on 13.11.2024, the petitioner in



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W.P.No.36948 of 2024 did not have the renewal of the registration certificate as a contractor, the Court cannot interfere with the decision taken by the Block Development Officer.

14. The learned counsel for the petitioner stated that there is a direction to keep the registration alive but that is only an observation and renewal can also be refused by the renewal agency for reasons which they advance. The actual renewal had been granted only in December 2024.

15. In view of these reasons, W.P.No.36948 of 2024 stands dismissed and W.P.No.36431 of 2024 is partly allowed. So far as grant of tender is concerned a direction is issued to the Block Development Officer, K.V.Kuppam, Vellore to proceed further to grant further work order for entry No.39 in the aforementioned notification to the petitioner in W.P.No.36431 of 2024. No costs. Consequently, connected miscellaneous petitions are also closed.



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Index: Yes/No

Speaking order / Non speaking order

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C.V.KARTHIKEYAN, J.

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