

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 38864 of 2024

AND

WMP NO. 42090 OF 2024

1. M.Sivaji
S/o.Mari, No.14, Bakrukane
Street, Peranmbut, Vellore
District,

Petitioner(s)

Vs

1. Managing Director
TAHDCO, Cenotaph Road,
2nd Lane, Teynampet,
Chennai-600 018

2.The Executive Engineer
Executive Engineer Office,
TAHDCO, Vellore

3.The District Collector
Vellore District, Vellore

4.The Revenue Divisional Officer
Guidyatham Division,
Guidyatham, Vellore District

5.The Tahsildar
Taluk Office, Pernambur,
Vellore District

6.Raghavan
S/o.Kulandai, Door No.232,
Vivakandu, 1st Street, Phase-3,



Sathuvachari, Vellore District

Respondent(s)

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For Petitioner(s): R.Govindasamy
For Mr.S.IlamValuthi and
Respondent(s): C.A.Ashok Kumar For R1
and R2
Mr.R.Murthi
Government Advocate for R3
to R5
Mr.E.Kannadasan
for R6

ORDER

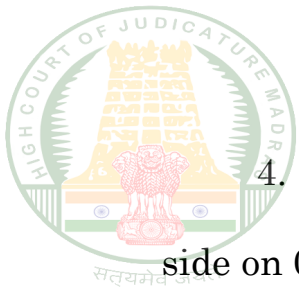
This writ petition has been filed challenging the impugned proceedings of the 2nd respondent, which is the work order letter dated 20.11.2024 that was issued to the 6th respondent towards construction of science lab building at Adi Dravidar Welfare Girls Higher Secondary School, Perambur, as per the tender notification dated 05.10.2024.

2. The case of the petitioner is that the 1st respondent had issued a tender notification dated 05.10.2024 inviting on-line tender for totally 427 works all over Tamil Nadu. The petitioner also participated in the tender with respect to the work mentioned in Serial No.153. The 6th respondent was also a participant for the very



same work at Serial No.153. Only the petitioner and the 6th respondent participated under Sl.No.153. Ultimately, the tender was granted in favour of the 6th respondent.

3. The further case of the petitioner is that while scrutinizing the documents, it came to light that the 6th respondent has submitted a solvency certificate for a property value of Rs.50 lakhs. According to the petitioner, the property value is not even Rs.5 lakhs and the 6th respondent has intentionally produced a fabricated solvency certificate as if the value of the property is Rs.50 lakhs. Hence, the petitioner submitted his objections on the work order given to the 6th respondent mainly on the ground that the solvency certificate that was produced by the 6th respondent is fabricated and that the work order ought not to have been given in favour of the 6th respondent. The further stand taken by the petitioner is that the 6th respondent claimed himself to be a class III Contractor and this was done based on the fabricated solvency certificate that was produced before the 2nd respondent and hence, the petitioner has approached this Court seeking for the cancellation of the work order granted in favour of the 6th respondent.



4. This Court heard the learned counsel appearing on either side on 04.07.2025 and the following order was passed by this Court.

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Heard Mr.R.Govindasamy, learned counsel for petitioner, Mr.C.A.Ashok Kumar, learned Standing Counsel appearing for respondents 1 and 2, Mr.R.Murthi, learned Government Advocate appearing for respondents 3 to 5 and Mr.E.Kannadasan, learned counsel appearing for sixth respondent.

2. The entire case revolves around the solvency certificate produced by the sixth respondent based on which the work order has been executed by the second respondent in favour of the sixth respondent. The specific case of the petitioner is that the value of the property for which the solvency certificate was given will not even be Rs.5,00,000/-, whereas, the Tahsildar has given the solvency certificate by indicating the value of the property as Rs.50,00,000/-. Based on this solvency certificate, the second respondent has issued the work order in favour of the sixth respondent.

3. Learned Government Advocate appearing on behalf of respondents 3 to 5 submitted that already enquiry has been conducted by the fourth respondent and written instructions in this regard were also placed before this Court.

4. Hence, there shall be a direction to the fourth respondent to submit his report before this Court regarding the value of the



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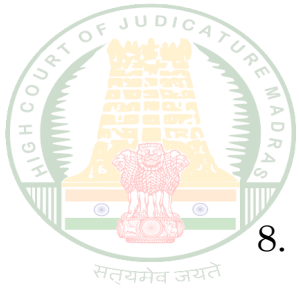
property for which the solvency certificate was issued by the fifth respondent viz., Tahsildar. Based on the same, final orders will be passed in this writ petition.

Post this writ petition under the caption 'for orders' on 11.07.2025.

5. When the writ petition was taken up for hearing today, the learned Government Advocate produced the written instructions received from the RDO, Vellore District. On going through the same, the RDO has opined that the value of the subject property will be only Rs.26,91,200/- and not Rs.50 lakhs as was stated in the solvency certificate given by the Tahsildar dated 05.04.2024.

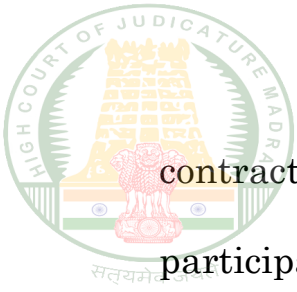
6. It is evident from the above report that the value that was stated in the solvency certificate issued by the Tahsildar as if the value of Rs.50 lakhs may not be correct and the same is clear from the report given by the Revenue Divisional Officer.

7. In the light of the above clarification given by the Revenue Divisional Officer, this Court has to consider the ground raised by the petitioner and also the defence that has been raised on the side of the TAHDCO and also the 6th respondent.



8. On carefully reading the tender document, it is seen that only those persons who are class III contractors and who belonged to the SC/ST community can participate in the tender. It is not in dispute that the 6th respondent is a class III contractor. The main objection raised is that the solvency certificate that was produced by the 6th respondent is untenable, since a property which is of lesser value has been shown as if it has a value of Rs.50 lakhs. To that extent, the solvency certificate was given by the Tahsildar on 05.04.2024.

9. The learned Standing counsel appearing on behalf of the 2nd respondent produced the circular dated 20.09.2024, which governs the tender. As per this circular, for a class III contractor, who participates in the tender value between two crores to 5 crores, the solvency certificate must be given for Rs.30 lakhs. For a class IV contractor, for the tender value of Rs.50 lakhs to 2 crores, he must produce a solvency certificate of Rs.10 lakhs. A further reading of the said circular shows that it is permissible for any class of contractors to interchange the work that is specifically assigned to specific contractors. Thus, for a work that is designated for class IV



contractor, it is permissible for a class III contractor and above to participate in the tender. Hence, there is a flexibility with respect to the participation in the tender which pertains to a class IV work where even a class III contractor or contractors above Class III can participate.

10. The report issued by the RDO shows that the value of the property is only Rs.26,91,200/-. In the case in hand, the tender value is Rs.80 lakhs. Therefore, the solvency certificate that is required has to be to the tune of Rs.10 lakhs. Hence, even if the solvency certificate given by the 6th respondent is not correct and it reflected a very high value, the present report given by the RDO shows that the value of the property is Rs.26,91,200/-. If that is so, it satisfies the requirement under the tender.

11. It is also brought to the notice of this Court that the 6th respondent has completed almost 75% of the work as on today.

12. In the light of the above discussion, this Court does not find any ground to interfere with the work order that was granted in favour of the 6th respondent and accordingly, this writ petition stands



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dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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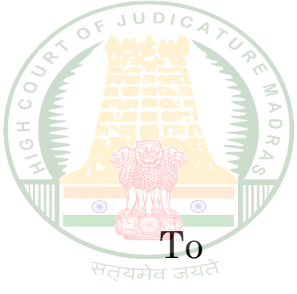
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

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1.The Managing Director
Tahdco, Cenotaph Road, 2nd
Lane, Teynampet, Chennai-600
018

2.The Executive Engineer
Executive Engineer Office,
Tahdco, Vellore

3.The District Collector
Vellore District, Vellore

4.The Revenue Divisional Officer
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