



WEB COPY



W.P.No.41040 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.41040 of 2025

and

W.M.P.Nos.45997, 45998 & 45999 of 2025

M/s.Senbagam Construction,
Rep.by its Managing Director,
K.Kuppusamy,
S/o.R.Kuppusamy,
No.15, Chinnamuthur,
Muthur, Kangayam Taluk,
Tiruppur District.

.. Petitioner

Vs.

1.The Chief Engineer,
Highways Department,
HRS Campus,
No.76, Sardar Pattel Road,
Guindy, Chennai-600 025.

2.The Superintending Engineer/Tendering Inviting Authority,
Highways Department,
Construction Maintenance,



W.P.No.41040 of 2025

No.39, Chikkanna College Road,
Kallampalayam,
Tirupur-641 602,
Tiruppur District.

3.The Divisional Engineer,
Highways Department,
Construction & Maintenance,
Alangiyam Road,
Dharapuram-638 656,
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relevant to the impugned order of rejection order dated 10.10.2025 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the 2nd respondent to select the petitioner is a lowest bidder which he has coated a sum of Rs.16,94,66,265.00 (Rupees Sixteen Crores Ninety Four Lakhs Sixty Six Thousand Two Hundred and Sixty Five only) as tender amount.

For petitioner : Mr.V.Raghavachari, Senior Counsel
for Mr.N.Palanisamy



W.P.No.41040 of 2025

For Respondents : Ms.S.Anitha,
Special Government Pleader

ORDER

Aggrieved by the rejection order dated 10.10.2025 passed by the 2nd respondent, the petitioner has filed the present Writ Petition seeking quashment of the same with a consequential direction to the 2nd respondent to select the petitioner as the lowest bidder with reference to the tender notification issued by the 2nd respondent dated 02.09.2025.

2. Ms.S.Anitha, learned Special Government Pleader takes notice on behalf of the respondents.

3. Aggrieved by the rejection order passed by the 2nd respondent rejecting the tender application of the petitioner dated 09.10.2025 with reference to the tender notification dated 02.09.2025 issued by the 2nd respondent on the ground that the petitioner has failed to enclose the work site inspection certificate and working condition of the plant and machinery



W.P.No.41040 of 2025

certificate, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

4. Learned Senior Counsel appearing for the petitioner submitted that notwithstanding the fact that the petitioner had been waiting till before the last date for submission of tender application, the 3rd respondent had not chosen either to conduct inspection or to issue the work site inspection certificate as well as the working condition of the plant and machinery certificate to the petitioner despite their repeated requests which clearly shows the dereliction of the statutory duty on the part of the 3rd respondent which cannot be put against the petitioner and therefore, the impugned rejection order is wholly arbitrary and illegal which is liable to be interfered with.

5. Learned Special Government Pleader appearing for the respondents while defending the impugned order submitted that it is the duty of the petitioner to facilitate the inspection so as to enable the authorities to



W.P.No.41040 of 2025

identify the nature and condition of machinery and issue the work site

inspection certificates. He further submitted that, even prior to the last date for submission of application, the petitioner had not approached either the authorities or this Court. In the absence of any co-operation on the part of the petitioner with the process of inspection, the claim of the petitioner with regard to non-issuance of requisite certificates is wholly unsustainable.

6. This Court heard the learned counsel appearing on either side and perused the materials available on record.

7. Admittedly, the petitioner had submitted his tender application without enclosing the work site inspection certificate and the certificate relating to the working conditions of the machinery which was the basis for rejection of his tender application. Though the petitioner contends that the 3rd respondent ought to have issued requisite certificates within the time prescribed in the tender notification dated 02.09.2025, however, the duty is equally cast upon the petitioner to satisfy the technical bid requirements by ensuring that all the mandatory documents were duly submitted. Further,



W.P.No.41040 of 2025

there is no material to show that the petitioner had approached the 3rd

respondent with the request for inspection within the stipulated time. Though it is claimed by the petitioner that he has given a representation, however, the fact remains that apart from the said representation, no efforts have been taken by the petitioner to obtain the certificates. It is not the case of the petitioner that he was available at site, but the respondents did not turn up for inspection. That being the case, the respondents alone cannot be mulcted with the responsibility of not issuing the certificates, as the petitioner is also bound to be diligent enough, moreso, when he has submitted a tender which requires submission of the inspection certificates.

8. In such view of the matter, this Court is unable to understand that whether the non-issuance of certificates was solely due to the inaction on the part of the authorities. When the tender conditions mandate strict compliance with the technical requirements, any default on the part of the tenderer cannot be condoned. Therefore, the petitioner having failed to submit the mandatory certificates coupled with the absence of any effort to



W.P.No.41040 of 2025

secure the same before the last date, the petitioner cannot seek the

indulgence of this Court. Hence, this Court finds no infirmity in the decision

of the 2nd respondent in rejecting the petitioner's tender application and the

impugned order passed by the 2nd respondent does not warrant any

interference.

9. With the above observations, the Writ Petition stands dismissed.

There shall be no order as to costs. Consequently, the connected

Miscellaneous petitions are closed.

29.10.2025

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Nhs



W.P.No.41040 of 2025

WEB COPY

To

1.The Chief Engineer,
Highways Department,
HRS Campus,
No.76, Sardar Pattel Road,
Guindy, Chennai-600 025.

2.The Superintending Engineer/Tendering Inviting Authority,
Highways Department,
Construction Maintenance,
No.39, Chikkanna College Road,
Kallampalayam,
Tirupur-641 602,
Tiruppur District.

3.The Divisional Engineer,
Highways Department,
Construction & Maintenance,
Alangiyam Road,
Dharapuram-638 656,
Tiruppur District.



WEB COPY



W.P.No.41040 of 2025

M.DHANDAPANI, J.

Nhs

W.P.No.41040 of 2025
and
W.M.P.Nos.45997, 45998 & 45999 of 2025



WEB COPY



W.P.No.41040 of 2025

29.10.2025