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W.P.No.41353 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.41353 of 2025
and
W.M.P.Nos.46304 & 46307 of 2025

Sri Shanmuga Builders,
No.1/401, Main Road, Mahendramangalam,
Palacode Taluk,
Dharmapuri District – 636 805,
Rep. by its Proprietor,
P.Kumar

... Petitioner

Vs.

1.The Superintending Engineer,
Highways (C & M),
Salem Circles,
Jagir Ammapalayam,
Salem – 636 302.

2.The Divisional Engineer,
Highways (C & M),
Dharmapuri Division,
Dharmapuri.

3.D.P.Thangaraj,
C/o.The Divisional Engineer,
Highways (C & M),
Dharmapuri Division,
Dharmapuri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating



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to the Tender Notice No.37/2025-2026/HDO dated 12.09.2025 and consequently Tender Summary Reports dated 27.10.2025 on the file of the 1st respondent quash the same and direct the respondents to reconsider the bids of the petitioner in par with the other contractors without insisting upon the production of the Site Inspection Certificate as well as Plant and Machinery Certificates.

For Petitioner : Mr.V.Elangovan

For Respondents : Mrs.S.Anitha

Special Government Pleader [R1 & R2]

Notice dispensed with [R3]

ORDER

Challenging the Tender Notice No.37/2025-2026/HDO, dated 12.09.2025 and the consequent Tender Summary Reports, dated 27.10.2025 of the 1st respondent, the present Writ Petition has been filed. Further, the petitioner has sought for a direction to the official respondents to reconsider the bids of the petitioner in par with the other contractors without insisting upon the production of the Site Inspection Certificate as well as Plant and Machinery Certificates.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents 1 and 2. With the consent of both sides, the Writ Petition is taken for hearing at the admission stage itself. Since no adverse order has been passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.



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3. Learned counsel for the petitioner submitted that the petitioner's tender application has been rejected on the ground that the petitioner has failed to enclose the work site inspection certificate and working condition of the plant and machinery certificate, notwithstanding the fact that the petitioner had been waiting till before the last date for submission of tender application. He further submitted that the 2nd 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 2nd respondent which cannot be put against the petitioner and therefore, the impugned rejection order is wholly arbitrary and illegal and the same is liable to be interfered with.

4. Learned Special Government Pleader appearing on behalf of the respondents 1 and 2 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 identify the nature and condition of machinery and issue the work site inspection certificates. She further submitted that, even prior to the last date for submission of the application, the petitioner had not approached either the authorities or this Court. She continued that in the absence of any co-operation



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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.

5. I have considered the rival submissions made by the respective learned counsels and also perused the materials available on record.

6. 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 2nd respondent ought to have issued requisite certificates within the time prescribed in the tender notification dated 12.09.2025, 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. Though it is claimed by the petitioner that he has sent a mail, however, the fact remains that apart from the said mail, no efforts have been taken by the petitioner to obtain the certificates. 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, more so, when he has submitted a tender, which requires submission of the inspection certificates.



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7. 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 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 1st respondent in rejecting the petitioner's tender application and the impugned order passed by the 1st respondent warrants no interference.

8. For the foregoing reasons, the Writ Petition stands dismissed. No costs.

Consequently, the connected Miscellaneous petitions are closed.

31.10.2025

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

1. The Superintending Engineer,
Highways (C & M),
Salem Circles, Jagir Ammapalayam,
Salem – 636 302.



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M.DHANDAPANI, J.

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2.The Divisional Engineer,
Highways (C & M),
Dharmapuri Division,
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