



W.P.(MD).No.86 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.03.2025

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.86 of 2025

and

W.M.P.(MD)Nos.73, 76, 1892 and 4400 of 2025

Subramanian

... Petitioner

-vs-

**1.The Superintending Engineer,
WRD, Middle Cauvery Basin Circle,
Trichy -20.**

**2.The Executive Engineer, WRD,
South Vellar Basin Sub Division,
Pudukottai.**

3.M.Karuppaiah

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the proceedings of Minutes of Bid opening dated 24.12.2024 by the first respondent order rejecting the bid of the petitioner and to quash the same as illegal and arbitrary in consequence thereof to direct the first respondent to declare the petitioner as success bidder in E-tender Notice No. 04/2024-2025/D2/MCBC/Trichy/02.12.2024 signed dated 26.12.2024.



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For Petitioner : Mr.P.Ganapathi Subramanian
For R1 and R2 : Mr.C.Venkatesh Kumar
Special Government Pleader
For R3 : Mr.P.Santhana Krishnan

ORDER

Challenging the proceedings of the first respondent, dated 24.12.2024, the present Writ Petition has been preferred by the petitioner. He further sought direction to declare him as “successful bidder” in E-tender Notice No. 04/2024-2025/D2/MCBC/Trichy/02.12.2024, dated 26.12.2024.

2.It is the case of the petitioner that he is the Class I Government Contractor and has executed contractual work for the past 30 years in various Government departments. The first respondent has invited tender for carrying out “Rehabilitation of Manalur Anaicut in Perumarudur Village of Manamelkudi Taluk of Pudukottai District” vide e-tender Notice No. 03/2024-2025/D2/MCBC/Trichy, dated 04.10.2024. However, the said tender was cancelled and thereafter, another tender notification was issued vide e-tender Notice No.04/2024-2025/D2/MCBC/Trichy/02.12.2024 and the last date for submitting the tender through online is 23.12.2024 and opening of the tender through online is 24.12.2024.



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3.The petitioner has also participated in the tender by enclosing all necessary documents. However, the the petitioner's bid was rejected by the first respondent on 24.12.2024 on the following grounds:

“1)Machinery working conditions certificate should be obtained after the date of tender publication (02.12.2024).The contractor attached old certificate issued before the date of the publication of tender.;

2)Genuineness of the work experience certificate not in order. Sub work completion certificate not uploaded”.

4.Challenging the said rejection, the petitioner is before this Court.

5.The learned Counsel for the petitioner submitted that when the second respondent has already issued a certificate for the working condition of machineries on 25.10.2024, the rejection on that ground is not in accordance with law. Further, he submitted that the third respondent, who is the successful bidder, has quoted Rs.1,00,72,471/- which is 4% above the value of the estimate, but the petitioner has quoted only Rs.86,09,801.44/-, which is 10% lesser than the value of the estimate and the acceptance of the bid quoted by the third respondent is in complete violation of terms and conditions of the tender notification. He further submitted that the single



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cover system bid cannot be rejected at the pre-qualification stage and therefore, the impugned order is liable to be quashed. The learned Counsel for the petitioner also disputed the qualification of the third respondent, the successful bidder and seeks for a direction of this Court to direct the first respondent to declare the petitioner as success bidder in E-tender, dated 26.12.2024.

6.The learned Special Government Pleader appearing for the first and second respondents submitted that as per tender condition in Para 3.7 of the Tender Notification, “equipment working condition certificate” should be obtained from the Executive Engineer, WRD, South Vellar Basin Division, Pudukottai, after the date of publication of the tender notice. However, the petitioner has produced an old certificate obtained before the tender publication. Hence, the petitioner has not met out the tender conditions.

7.He further submitted that as the petitioner has not produced any evidence for carrying out a similar nature of work, as mandated in the tender conditions, his tender was not accepted by the Tender Scrutinizing Committee. He further submitted that the work experience certificate along with the sub-work contract agreement entered with M/s.Sivam Associates,



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Trichy, dated 30.12.2022, produced by the petitioner is not relevant to the irrigation work, which led to the disqualification of the petitioner's tender.

8.The contention of the petitioner that he has produced the certificate obtained from the Executive Engineer, WRD, South Vellar Basin Division, Pudukottai, has been denied by the learned Special Government Pleader that in the certificate produced by the petitioner, the Executive Engineer, WRD, South Vellar Basin Division, Pudukottai, did not endorse the experience of a similar nature of work and no other valid document was produced by the petitioner to show his experience in the similar nature of work and in view of the aforesaid reasons, the Tender Scrutinizing Committee has disqualified the petitioner from the tender process. Hence, the learned Special Government Pleader seeks dismissal of this Writ Petition.

9.In line with the arguments advanced by the learned Special Government Pleader, the learned Counsel for the third respondent submitted that the third respondent is a Class-I Contractor and doing contractual works for the past several years in WRD, PWD and Highways departments and after completing all the eligible criteria, the third respondent was selected as the “successful bidder” and that there is no *locus standi* for the petitioner to



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maintain the Writ Petition.
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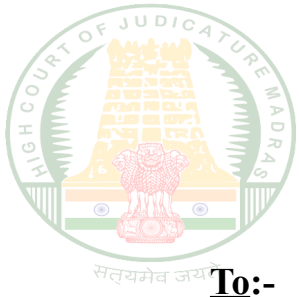
10.Heard both sides.

11.On perusal of the entire records produced on either side, it is revealed that admittedly, the petitioner has not met out the requisite qualification and has not produced any valid machinery working conditions certificate or the experience certificate, as per the terms and conditions of the tender notification. Since the petitioner has not fulfilled the requisite eligible criteria, this Court is of the view that the petitioner has no *bona fide* to maintain the Writ Petition. It is also to be pointed out that the petitioner's submission is vague and lacks merit to support the allegations made against the third respondent. Hence, this Writ Petition lacks merits and is accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

26.03.2025

NCC : Yes/No
Index : Yes / No

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2.The Executive Engineer, WRD,
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VIVEK KUMAR SINGH, J.

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Order made in
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