



W.P.(MD) No.14155 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.14155 of 2025

and

W.M.P(MD)Nos.10296 & 10299 of 2025

M/s.E.K.S.Constructions,
Represented by its Partner Kandasamy.

.. Petitioner

Vs.

1.The Director of Municipal Administration,
Urban Administrative Building Campus,
M.R.C Nagar,
Chennai - 28.

2.The Regional Director of Municipal Administration,
No.294, Melakkal Main Road,
Kochadai,
Madurai - 625 016.

3.The Commissioner,
Manamadurai Municipality,
Sivagangai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the Tender Rejection Order dated 30.04.2025 on the file of the 3rd respondent and quash the same pertaining to the Tender Reference No.1774/2024/E1-P2 Manamadurai bearing Tender ID:



W.P.(MD) No.14155 of 2025

2025_MAWS_544970_1 on the file of the 3rd respondent and direct the respondents to open the price bid and award the said contract work to the petitioner.

For Petitioner : Mr.V.Kannan

For R1 & R2 : Mr.R.Baskaran
Additional Advocate General
assisted by Mrs.D.Farjana Ghoushia
Special Government Pleader

For R3 : Mr.A.Kathiravan
Standing Counsel

ORDER

This writ petition is filed for the following relief:

“to call for the records relating to the Tender Rejection Order dated 30.04.2025 on the file of the 3rd respondent and quash the same pertaining to the Tender Reference No. 1774/2024/E1-P2 Manamadurai bearing Tender ID: 2025_MAWS_544970_1 on the file of the 3rd respondent and direct the respondents to open the price bid and award the said contract work to the petitioner.”

2. It is the contention of the petitioner that the petitioner is a registered partnership firm, that originally its partner Erulappan Kandasamy was individually working as a Class I contractor for various



W.P.(MD) No.14155 of 2025

Government tenders and that he continued to carry on the said work. The petitioner would submit that he had registered with the GST authority and was issued a GST Registration Certificate in his individual name on 24.04.2018. Thereafter, partnership firm was formed and this firm is also been registered as a Class I contractor and a certificate dated 04.03.2024 recognizing the same has been issued to the petitioner firm.

3. The 3rd respondent had issued a tender notice vide notification, dated 14.04.2025 calling for the works set out therein which is primarily relaying the BT surface road. The approximate value of the tender was a sum of Rs.93,00,000/- and earnest deposit was fixed at Rs.93,000/-. The bid document was to be downloaded between 14.04.2025 to 28.04.2025 and the last date for receiving bid was fixed on 28.04.2025 at 3.00 p.m and the opening of the bid was fixed at 3.30 p.m on the same date.

4. The tender notice required submission of the bid documents under two cover system. The first cover contain documents pertaining to pre-qualification which included the technical bid and the earnest money



W.P.(MD) No.14155 of 2025

WEB COPY

and the second envelope contains financial tender documents. The petitioner would submit that the petitioner firm was fully qualified to participate in the tender. On 28.04.2025, the petitioner firm had submitted tender documents by way of tender bid and financial bid with supporting documents online. Though the documents were submitted online, the said Kandasamy Erulappan had also visited the office of the 3rd respondent in person and submitted the tender bid cover and financial bid cover in sealed covers.

5. The petitioner would submit that the bid was not opened on 28.04.2025, but was opened on 30.04.2025 at 7.00 p.m. When the petitioner had visited the 3rd respondent office on 02.05.2025, it was informed that the tender would be rejected.

6. The petitioner would submit that on 30.04.2025, his bid has been rejected on the ground “Technically not qualified due to all Criteria 3, 4, 5, 9 to 13 are not satisfied”. Challenging the same, the petitioner is before this Court.



W.P.(MD) No.14155 of 2025

WEB COPY

7. The 3rd respondent has filed a counter affidavit *inter alia* contending that the rejection of the technical bid was wholly in accordance with the tender condition and due to non-compliance of prescribed procedure. Out of 14 criteria fixed for qualification of a tender as per the rules, the Tender Evaluation Committee had found the petitioner had satisfied only 9 categories and had not satisfied 5 categories. The work certificate for the previous 5 years, audited balance sheet, certificate for 50% proof of completion of work for preceding 3 years, GST certificate etc., in the name of the company were not produced. What was produced by the petitioner was the documents standing in the individual name of Kandasamy. It is further stated that even prior to the interim stay being granted by this Court in W.M.P(MD)No.10292 of 2025, work order has been issued to the successful bidder who had started laying the BT road from 05.05.2025 and as on 15.05.2025, nearly 40% of the work has been completed. Therefore, the writ petition deserves to be dismissed. The 3rd respondent has appended the evaluation done by the committee. A perusal of the same would indicate that the petitioner's application did not contain the



W.P.(MD) No.14155 of 2025

work certificate in the name of the firm, but only the certificates standing in the name of the individual. Further, though GST was in the name of the firm, however, the income tax files stood in the name of the individual. Even the annual turn over in the income tax returns only stands in the name of the individual and not in the name of the firm. Therefore, the petitioner has not qualified in the technical bid. The rejection is not only on the ground of the petitioner not producing the work certificate, but it is also with reference to other parameters which is not been complied with by the petitioner.

8. Therefore, the rejection of the petitioner's applications does not suffer from any infirmity. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed. Consequently, connected Miscellaneous Petitions are closed.

23.09.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes

gbg



W.P.(MD) No.14155 of 2025

WEB COPY

To

- 1.The Director of Municipal Administration,
Urban Administrative Building Campus,
M.R.C Nagar,
Chennai - 28.
- 2.The Regional Director of Municipal Administration,
No.294, Melakkal Main Road,
Kochadai,
Madurai - 625 016.
- 3.The Commissioner,
Manamadurai Municipality,
Sivagangai District.



WEB COPY



W.P.(MD) No.14155 of 2025

P.T.ASHA, J.

gbg

W.P.(MD) No.14155 of 2025

23.09.2025