



W.P.(MD) Nos.15275, 14753 & 14744 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) Nos.15275, 14753 & 14744 of 2025

and

**W.M.P.(MD) Nos.11559, 11561, 11014,
11015, 10994, 10995, 11655, 11669 & 12690 of 2025**

Sree Krishna Construction,
rep. by its Proprietor Kalaivani.

... Petitioner in W.P.(MD)
No.15275 of 2025

M.Kengaram

... Petitioner in W.P.(MD)
No.14753 of 2025

K.Ramar

... Petitioner in W.P.(MD)
No.14744 of 2025

Vs

1. The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Buildig, Saidepat,
Chennai.

2. The Additional Collector/Project Director,
DRDA District Rural Development Agency,
Ramanathapuram,
Ramanathapuram District.

... Respondents in all W.Ps



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PRAYER in W.P.(MD)No.15275 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records relating to the proceedings of the second respondent in respect of E-Tender Package No.05/MGSMT/2025-26, Package No.11/MGSMT/2025-26, Package No.12/MGSMT/2025-26 and Package No.13/MGSMT/2025-26, dated 16.05.2025 and quash the same and consequently, direct the respondents to avoid (tender in package form) package tender.

PRAYER in W.P.(MD)No.14753 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records on the file of the second respondent in connection with the impugned E-Tender Package No.06/MGSMT/2025-26, dated 16.05.2025 issued for Kamuthi Block, Ramanathapuram District and quash the same as illegal, arbitrary and consequently, direct the respondents to avoid package tender in the interest of small contractors and employment of the local people.

PRAYER in W.P.(MD)No.14744 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records on the file of the second respondent in connection with the impugned E-Tender Package No.02/MGSMT/2025-26, dated 16.05.2025 issued for Kadaladi Block, Ramanathapuram District and quash the same as illegal, arbitrary and consequently, direct the respondents to avoid package tender in the interest of small contractors and employment of the local people.



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For petitioner : Mr. R.J.Karthick

For respondents : Mr.Ajmal Khan
Additional Advocate General-I
Asst. by Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

By this common order, these three Writ Petitions have been disposed of at the time of admission with the consent of the learned counsel for the petitioner and learned Additional Advocate General-I for the respondents.

2. In W.P.(MD)No.15275 of 2025, the petitioner has challenged the impugned Tender Notification, dated 16.05.2025 in respect of the package Nos. 5,11,12,13. In W.P.(MD) No.14744 of 2025, the petitioner has challenged the Tender Notification, dated 16.05.2025 in respect of the package No.2. In W.P. (MD) No.14753 of 2025, the petitioner has challenged the Tender Notification, dated 16.05.2025 in respect of the package No.6.

3. Earlier, an order came to be passed in respect of tender in W.P.(MD) No. 14445 of 2025, insofar as the package Nos.5,11,12 and 13 are concerned, as in the



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case of the petitioner in W.P.(MD) No.15275 of 2025. There, an interim order came to be passed on 22.05.2025. The relevant portion of the order reads as under:

“2.A perusal of the impugned tender notification reveals that the E-Tender has been published on 15.05.2025 and the closing date has been mentioned as 23.05.2025. In the light of Rule 20 of Tamil Nadu Transparency in Tender Rules, 2000, there is no clear 15 days period for submission of the tender form.”

4. Following the aforesaid order, in Writ Petitions in W.P.(MD) No.15275 & 14744 of 2025, orders came to be passed on 06.06.2025 and 02.06.2025, respectively.

5. The case of the respective petitioners in these Writ Petitions is that there is a violation of the Rule 20 of the Tamil Nadu Transparency in Tenders Rules, 2000 (*hereinafter referred to as ‘the Rules’*). It is submitted that each of the work in the Tender Notification, dated 16.05.2025 is above Rs.2 crores and therefore, the respondents were enjoined to give at least 15 days notice for prospective tenderers to make their bids.



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6. It is submitted that the tender documents itself have given a critical dates as date of publication of the tender document as 12.05.2025, the bid submission start date as 12.05.2025, bid submission end date as 16.05.2025 and also the bid opening date as 16.05.2025.

7. It is further submitted that mandatory requirement of Rule 20(1) of the Rules was violated as 15 days notice for prospective bidders, like petitioners to submit their bids, was compromised drastically. Therefore, the challenge to the impugned Tender Notification prescribing last date of bid as 16.05.2025 was liable to be interfered with by this Court.

8. It is further submitted that though there was an interim order passed as early as 22.05.2025, the respondents have proceeded to award contract to the third parties during the pendency of the present Writ Petitions.

9. Defending the stand of the respondents, the learned Additional Advocate General-I submits that these Writ Petitions are devoid of merits. At the outset, the learned Additional Advocate General-I submits that the Rule 20 of the Rules has been amended *vide* SRO (A-1) (e-1) 2023, dated 20.01.2023.



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10. It is submitted that for the word 'two crores' in Rules 20(1)(a) and 20(1)(b) of the Rules has been substituted for 'ten crore' and thus, since the value of the package, as far as these Writ Petitions are concerned, are below Rs.10 crore, only 15 days notice was required.

11. It is further submitted that the paper publication was made on 30.04.2025, wherein it was stated that the tender documents will be available between 30.04.2025 to 16.05.2025 for prospective bidders to make bids on the web site of the respondents.

12. It is further submitted that due to various administrative reasons, the web portal could not be uploaded with the E-Tender document and therefore, for the first time, on 12.05.2025, the Tender Notification was published electronically in the web portal giving the time upto 16.05.2025 for the bidders to make their bids. The time was extended subsequently to 23.05.2025, which was according to Rules 18(5) of the Rules, as per which the Tender Inviting Authority can extend the last date and time for receiving the tender, which has to be published on the



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designated web site also after giving adequate notice to the intending tenderers in cases where,

- (a) the publication of the tender notice has been delayed;
- (b) the communication of changes, in the tender documents to the prospective tenderers under sub-rule (1) of rule 17 took time;
- (c) any of the tenderers requested clarifications, the communication of which took time to all the tenderers; and
- (d) any other reasonable grounds exist, for such extension which shall be recorded in writing by the Tender Inviting Authority.
- (e) in the case of tenders not submitted electronically, the tenderer shall ensure that all the pages are serially numbered and the submitted tender documents are properly stitched and bound.

13. In this connection, the learned Additional Advocate General-I has also placed a reliance on the decision of this Court rendered in the case of ***M/s.Hebei New Baofeng Wire and Cable Co. Ltd vs. Tamil Nadu Transmission Corporation Ltd, Chennai in W.P. No.39982 of 2016, vide order, dated 15.11.2016***, wherein this Court has held as under in the context of Rules 18(5)(b) of the Rules:



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“10. As far as the extension of time is concerned. Rule 18(5)(b) of The Tamil Nadu Transparency in Tenders Rules, 2000 make it very clear that there is any verification or changes in the tender document, the Tender Inviting Authority has got power to extend the last date and time for receiving tenders. Admittedly, in this case, when the representation has been made on 08.11.2016 and the original date of opening of tender is on 16.11.2016. When the tender was published on 28.09.2016 to be opened on 16.11.2016, a clarification made on 09.11.2016 has to necessarily make a Tender Inviting Authority to extend the time under Rule 18(5)(b) of The Tamil Nadu Transparency in Tenders Rules, 2000 reads as follows:

the communication of changes in the tender documents to the prospective tenderers under sub-rule(1) of Rule 17 took time”

14. Specific reference is made to the paras 5 to 7 in the counter filed in W.P. (MD)No.14753 of 2025 (affidavit filed in support of the vacate stay petition in W.M.P.(MD)No11669 of 2025). Para 7 of the said counter is reproduced below:

“7. It is respectfully submitted that TAMILNADU TENDER TRANSPARENCY RULES, 2000 CHAPTER-V, RECEIPT OF TENDERS AND TENDER OPENING, Point No. 18.(5) states that "The Tender Inviting Authority may extend the last date and time for receiving tenders (which shall be published on the designated website also) after giving adequate notice to all intending tenderers". And CHAPTER IV. NOTICE INVITING TENDERS AND TENDER DOCUMENTS. Point No. 17.(1) states that "At any time after issue of tender documents and before the opening of the tender, the Tender Inviting Authority may make any changes, modifications or amendments to the tender documents and shall send intimation of such change to all those who have purchased the original tender



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documents and upload corrigendum for the information of those who have downloaded the tender documents for the website." In both cases, it doesn't require a fresh newspaper publication, which the Writ Petitioner claims to be missing in our case. But as stipulated in the Rules, extension of opening and changes are properly communicated by publishing the same on designated website and uploading of corrigendum."

It encapsulates the submission of the learned Additional Advocate General-I.

15. By way of rejoinder, the learned counsel for the respective petitioners would draw attention to the Rule 18(5)(d) of the Rules. It is submitted that the counters filed in support of the defence of the respective petitions are for evading the interim order. However, no documents have been produced to show that any reasonable ground existed for extension, which was recorded in writing by the Tender Inviting Authority, to which the learned Additional Advocate General-I stated that the case under consideration falls under Rule 18(5)(a) of the aforesaid Rules.



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16. I have considered the arguments advanced by the learned counsel for the respective petitioners and learned Additional Advocate General-I for the respondents.

17. As far as the purpose of enacting the Tamil Nadu Transparency in Tender Act, 1998 (*hereinafter referred to as 'the Act'*) is concerned, it is provided for transparency in public procurement and to regulate the procedure for inviting and accepting tenders and the matters connected therewith or incidentally thereto. This founds in the preamble to the Act. Further objective of the enactment of the Act is under:

“WHEREAS to maximise economy and efficiency in Government procurement;

AND WHEREAS to foster and encourage effective participation by tenderers in the process of tenders;

AND WHEREAS to promote healthy competition among tenderers;

AND WHEREAS to provide for fair and equitable treatment of all tenderers;

AND WHEREAS it is expedient to eliminate irregularities, interference and corrupt practices in the matters relating to tender processes by providing transparency in such matters;

AND WHEREAS to promote the integrity of the process of tenders and to promote fairness and public confidence in the processing of tenders by ensuring transparency in the procedure relating to procurement;”



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18. To give effect to the provisions of the Act, the Rules has also been conferred, in the exercise of power under Section 22(1) of the Act. The object of the Act and the Rules made thereunder are laudable and intended to ensure that there is a fair play in public participation in the tenders, so that there is no arbitrary, awarding of the contract as was done prior to enactments, which are made to several work orders being awarded to the contractors to be cancelled as arbitrary.

19. Rule 20 of the Rules contemplates that minimum period shall be given to prospective bidders (tenderers) to make their bids. In case Tender Notification has to be issued for the tender upto Rs.10 crore, minimum 15 days has to be given and in case Tender Notification has to be issued for the tender for excess Rs.10 crore, minimum 30 days has to be given.

20. In this case, although the intention was to comply with the requirement of the Rule 20 of the Act by making a paper publication on 30.04.2025 by giving the period for downloading the tender documents and for prescribing last date for



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making the bid as 16.05.2025, the Tender Notification was uploaded in the web site only on 12.05.2025 with the last date as 16.05.2025 and thus, only four days were given. Thereafter, further extension was given upto 23.05.2025 and thereafter, upto 29.05.2025.

21. A reading of Rule 17(1) of the Rules indicates that at any time after the issue of the tender documents and before the opening of the tender, the Tender Inviting Authority may make any changes, modifications or amendments to the tender documents and shall send intimation of such change to all those who have purchased the original tender documents and upload corrigendum for the information of those who have downloaded the tender documents from the web site.

22. This Rule 17(1) of the Rules would apply to the situations where the tender document is issued and the time line prescribed under Rule 20 has been followed. This would also apply to the situations where the offers are being received and therefore, changes are being incorporated in the timelines and therefore, this situations would not apply to these cases under consideration.



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23. As per Rule 17(2) of the Rules, in case any tenderer asks for a clarification on the tender documents before 48 hours of the opening of the tender, the Tender Inviting Authority shall ensure that a reply is sent and copies of the reply to the clarification sought shall be communicated to all those who have purchased the tender documents without identifying the source of the query and upload such clarification to the designated website for the information of those who have downloaded the tender documents from the website, without identifying the source of the query.

24. Thus, Rules 17(2) of the Rules will only apply where the changes are made before the opening of the tender warranting modification or amendment to the tender documents. The Tender-Inviting Authority is expected to send intimation of changes to those who have purchased original tender documents and uploaded corrigendum for the information to those who have downloaded the tender documents from the web site.

25. Rule 18 of the Rules, on the other hand, deals in Chapter 5 of the Rules, is regarding receipt of tender and opening of tender. As per Rule 18(1) of



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the Rules, Tender Inviting Authority has to ensure that adequate arrangements are made for proper receipt and safe custody of the tender for the receipt of tender.

26. As far as Rule 18(5) of the Rules is concerned, the Tender Inviting Authority can extend the last date and time for receiving the tender, which has to be published in the designated web site also after giving adequate notice to all the intending tenderers in cases where,

- (a) the publication of the tender notice has been delayed;
- (b) the communication of changes, in the tender documents to the prospective tenderers under sub-rule (1) of rule 17 took time;
- (c) any of the tenderers requested clarifications, the communication of which took time to all the tenderers; and
- (d) any other reasonable grounds exist, for such extension which shall be recorded in writing by the Tender Inviting Authority.
- (e) in the case of tenders not submitted electronically, the tenderer shall ensure that all the pages are serially numbered and the submitted tender documents are properly stitched and bound.

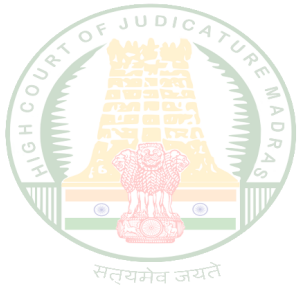


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27. Thus, Rule 18(5) of the Rules will apply only where the time alone stipulated in Rule 20 of the Rules have been first complied with and thereafter, time is extended for last date for receiving the tender.

28. In this case, admittedly, the Tender Notification, which was published on 12.05.2025, first fixing the last date for accepting the bid as 16.05.2025, thereafter, on 23.05.2025 and finally, on 29.05.2025. It cannot be said to be in line with the statutory scheme under Rule 18(5) of the Rules. The exigency may have delayed in publication of the tender documents on 12.05.2025. However, it was mandatory on the part of the respondents to have ensured that the 15 days or 30 days, as the case may be, as is required under Rules 20(2)(a) and 20(2)(b) of the Rules. Only where further extension was made as is contemplated further the last date of extending time for receiving or where there are situations warranting changes, modifications or amendments in the tender document, Rule 17 or 18(5) of the Rules will get triggered. They will not get triggered for extending time, when the time prescribed originally in the publication was not in time.



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29. These Writ Petitions have been filed on 27.05.2025 by the respective petitioners in W.P.(MD) No.14753 of 2025 and 14744 of 2025 and on 03.06.2025 by the petitioner in W.P.(MD) No.15275 of 2025. The respective petitioners are entitled to entertain a *bona fide* doubt that there was no scope of submitting the tender document either after 16.05.2025 or 23.05.2025. Further, the respondents, as responsible Authorities, ought to have ensured that initially the Tender Notification, which was published on 12.05.2025, had given time upto at least 27.05.2025 and thereafter, in case for any administrative reasons, the time was existed, they may be exercised the power under Rule 18(5) of the Rules.

30. Therefore, these Writ Petitions are allowed and subsequently, a direction to the respondents to issue fresh Tender Notification insofar as the works order covered by these Writ Petitions, that is, package Nos.2,5,6,11,12 and 13, strictly in accordance with Rules.

31. It is open to the respective petitioners to participate in the proposed tender to be floated by the respondents.



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32. These Writ Petitions are allowed, with the above directions. No costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

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Internet : Yes / No

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To

1. The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Buildig, Saidepat,
Chennai.

2. The Additional Collector/Project Director,
DRDA District Rural Development Agency,
Ramanathapuram,
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