



W.P.(MD) No.17283 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.17283 of 2025

and

W.M.P.(MD) Nos.13174 to 13176 of 2025

M/S.Megala Construction,
rep by its Managing Partner,
Vetriselvan

... Petitioner

/vs./

- 1.The District Collector/Chairman,
District Rural Development Agency,
Pudukkottai District.
- 2.The Tender Scrutiny Committee,
District Rural Development Agency,
Pudukkottai.
- 3.The Assistant Collector/Project Officer,
District Rural Development Agency,
Pudukkottai.
- 4.M/S.Dharma Infra Tech,
No.15-A, Pappankudi,
Ilupur,
Pudukkottai District.



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5.T.Suresh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records 2nd respondent dated 19.06.2025 regarding the rejection of petitioner's bid in pursuance of tender notice reference no.DIPR/1714/Tender 2025 dated 30.04.2025 and quash the same as illegal and arbitrary and in consequence thereof direct the respondents to consider the bid submitted by the petitioner as eligible along with the bids submitted by the respondents 4 and 5 and conduct the tender process in accordance with law.

For Petitioner : Mr.B.Sekar

For R1 to R3 : Mr.D.Ghandiraj
Special Government Pleader

For R4 : Mr.M.Rajarajan

ORDER

The petitioner has filed this writ petition for a Writ of Certiorarified Mandamus, to call for the records of the second respondent, dated 19.06.2025, whereby, the offer of the petitioner, dated 16.05.2025, has been rejected on the ground of 'technical'.



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2.The case of the petitioner is that the fourth respondent's bid has been accepted during the technical evaluation, even though there is no variance between the bank certificate regarding the availability of working capital of the petitioner and that of the fourth respondent is no different.

3.It is submitted that the rejection of the bid of the petitioner at the time of technical evolution is motivated and is therefore liable to be interfered with.

4.A reference was made to the certificate issued by the petitioner, the fourth respondent as also the fifth respondent, whose bids have been accepted during the technical evolution of the bid made by the petitioner and the private respondents herein.

5.It is submitted that the certificate offered by the petitioner and the private respondents are no different and therefore, the rejection is arbitrary and is liable to be interfered with.



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6. That apart, it is submitted that the technical bid was opened on 19.06.2025 at 10.33 pm., ie., in the midnight after business hours and therefore, on this count also, the rejection of the petitioner ie, during the technical evolution of the bid was arbitrary and is liable to be interfered with.

7. The learned counsel for the fourth respondent is present along with the learned counsel for the official respondents.

8. It is submitted that the bid has been rejected, as the bank certificate produced by the petitioner and the private respondents are different. It is submitted by the learned counsel for the respondents that the bank certificate submitted by the petitioner, dated 05.03.2025, is not in accordance with the format in page 41/44 of the tender document.

9. In the case of the petitioner, the said certificate in the tender document downloaded by the petitioner as also by the fourth respondent is as under:-



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SAMPLE FORMAT FOR EVIDENCE OF ACCESS TO OR AVAILABILITY OF CREDIT

FACILITIES

BANK CERTIFICATE

This is to certify that M/S ----- is a reputed company with a good financial standing.

If the contract for the work, namely, _____ is awarded to the above firm, we shall be able to provide overdraft/credit facilities to the extent of _____ Rs.-/- to meet their working capital requirements for executing the above contract.

Signature of Senior Bank Manager _____

Name of the senior Bank Manager _____

Address of the Bank

Stamp of the Bank

Note: Certificate should be on the letter head of the bank.

10.The certificate given by the petitioner, on the other hand, dated 05.03.2025 is a generic certificate and not with reference to the specific project as is contemplated above. That apart, Clause 6 mandates that a bidder should have adequate working capital sufficient to finance one month current activity on the assumption that the work is to be awarded to the petitioner.



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11.It is submitted that the certificate that has been produced by the petitioner, dated 05.03.2025, in response to the tender notification dated 02.05.2025 on the date of the bid on 21.05.2025 does not meet the above criteria.

12.It is submitted that Clause 6 of the tender document specifically mandates the certificate issued by the bank showing the amount available on the date of the submission of the application. It is therefore submitted that the writ petition is liable to be dismissed.

13.I have considered the arguments advanced by the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent.

14.The bank certificate produced by the petitioner is clearly in variance with the above sample in the tender document. The bank statement is dated 05.03.2025, whereas, the certificate to be issued by the bank should show the amount available on the date of the submission of the application, ie., on the date, when the offer/bid is made.



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15.In this case, the petitioner has made technical bid on 21.05.2025, which is the last date, as per the tender notification dated 02.05.2025, after the time for making the bid was extended from 16.05.2025 to 21.05.2025. The bank certificate given by the petitioner is also generic and is not site specific to the offer in response to the tender notification/advertisement, dated 02.05.2025. Therefore, the rejection of the petitioner's bid, vide impugned tender summary report dated 20.06.2025, cannot be found fault with. At best, the petitioner may have a case to file an appeal before the appellate authority under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998.

16.It appears that the petitioner had also challenged similar rejection in W.P.(MD) Nos.15468 to 15472 of 2025. This was in response to the tender notifications, dated 15.03.2025, 04.03.2025, 15.03.2025, 04.03.2025 and 02.03.2025, for which, the petitioner has secured the aforesaid bank certificate, dated 05.03.2025.



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17.As the technical evolution of the bid is based on the site specific offer with necessary bank certificate, the challenge to rejection of the petitioner's bid during the technical evolution cannot be countenanced. Hence, this Writ Petition is liable to be dismissed, as in the case of the very same petitioner in W.P.(MD) Nos.15468 to 15472 of 2025, vide order dated 10.06.2025.

18.The petitioner is however given liberty to challenge the rejection under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998. In case, such an appeal is filed within a period of 15 days from the date of receipt of a copy of this order, the appellate authority shall consider and dispose of the same on merits and in accordance with law without getting influence by any of the observations contained herein.

19.With such liberty, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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To

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C.SARAVANAN, J.

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