

**WP(MD)No.23483 of 2025**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2025

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**THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.P(MD)No.23483 of 2025**

**and**

**WMP(MD)Nos.18451,18455, 18458 and 18459 of 2025**

Sri Sai & Co. Constructions,  
Rep. By its Managing Director,  
K.Manoharan

: Petitioner

Vs.

1.The Secretary to Government,  
Rural Development and Panchayat Raj Department  
Building, Panagal Maligai,  
4<sup>th</sup> & 5<sup>th</sup> Floor, Abdul Razzak Street,  
Saidapet, Chennai.

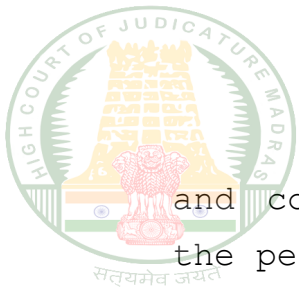
2.The District Collector/Chairman,  
Appellate Committee,  
Office of the Collectorate,  
Ramanathapuram District.

3.The Additional Collector, (Dev)/Project Director,  
District Rural Development Agency,  
District Rural Development and Panchayat Raj  
Department, Ramanathapuram.

4.The Block Development Officer,  
Thiruppullani Block,  
Thiruppullani Union,  
Ramanathapuram District.

: Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining the impugned order of the 2<sup>nd</sup> respondent in JDO/640/2025-26, dated 14/08/2025 and quash the same



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and consequently, directing the respondents to allow the petitioner to participate in the tender process and pass such other orders.

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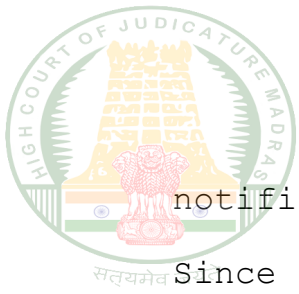
For Petitioner : Mr.S.Ramasundarvijayaraj  
For Respondents : Mr.A.Ajmal Khan  
Additional Advocate General-I  
Assisted by Mr.C.Satheesh  
Government Advocate

**O R D E R**

This writ petition is being disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned Additional Advocate General-I appearing for the respondents.

2.The petitioner is before this Court against the impugned order dated 14/08/2025 passed by the second respondent District Collector/Chairman/Appellate Committee, who constituted as an Appellate Authority under the provisions of the Tamil Nadu Transparency in Tenders Act, 1998.

3.The petitioner's bid was earlier rejected after technical evaluation based on the site inspection of the equipments that was cited by the petitioner in the bid made by the petitioner in response to the tender



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notification, dated 30/05/2022 for package No.TN14-71R.

Since the petitioner's bid was rejected by the Tender Evaluation Committee on 19/06/2025, the petitioner challenged the same by way of writ petition before this Court in WP(MD)No.17148 of 2025. That writ petition was disposed of by this Court on 24/06/2025 by giving liberty to the petitioner to file an appeal under section 11 of the Tamil Nadu Transparency in Tenders Act, 1998. Liberty was also given to the petitioner to move appropriate application for interim relief by filing interlocutory application.

4.It is, in this background, the impugned order has been passed by the 2<sup>nd</sup> respondent as an appellate authority. Operative portion of the impugned order reads as under:-

Technical Bid Evaluation results were published on 19.06.2025 and they were served with a 5-working-day notice to prefer an appeal prior to price bid opening. Instead of appealing to the Tender Inviting Authority, the firm approached the Hon'ble Court.

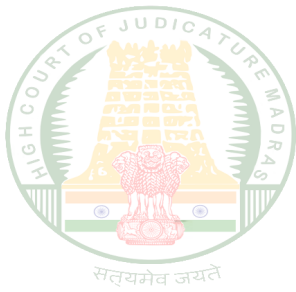
The Hon'ble Court disposed of the petition and granted liberty to the bidder to approach the Appellate Committee, observing a possible discrepancy in evaluation across packages under the same tender.

**Appellate Submission by M/s Sri Sai & Co**

The bidder subsequently filed an appeal before the District Collector, primarily referring to:

Their past work experience, without furnishing documentary proof of equipment ownership/lease.

Qualification in one package and disqualification in another, which was misconstrued.



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It is respectfully submitted that technical and financial requirements differ across packages, and qualification in one does not guarantee qualification in another. The disqualification in the present case stems specifically from failure to meet mandatory Tools and Plants criteria.

The appellant claimed they had used the same equipment in Package No. TN14-266 (PMGSY 2023-24). However, verification revealed that the documents submitted in that package pertained to different equipment.

And on further verification of GPS Vehicle Tracking System (VTS) used for original equipments of the Package TN14-266 (PMGSY 2023-24), it is found that the petitioner submitted false and misleading documents for the equipments Paver finisher, Vibratory roller and Road roller and used a different equipment at site. Details submitted below.

| SL. No. | Name of the Equipment                           | Quantity | Equipment details as per Uploaded Document                                                                                                                                                                                                                                                                                                                      | Equipments used at site as per GPS Vehicle Tracking System (VTS) installed during execution     | Remarks                                                                        |
|---------|-------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 1       | Paver finisher                                  | 1 No.    | Purchased from Contractor Thirumurugan vide sale Agreement dated 15.10.2021.<br><br>Equipment model AMMANN APOLLO INDIA PRIVATE LIMITED. Invoice No. M107 dt. 28.05.2013 in this bill Apollo model WM6 HES Mechanical Paver Finisher with hydraulic extendable vibrating screeds (from a basic width of 2.5m to 4.5m for dual application (Wet mix and Asphalt) | GPS ID. MMI616939<br><br>Engine No/Chassis No. A1N51201C20081162<br><br>It belongs to IVR & Co. | Documents submitted in Tender and actual equipment used at site are different. |
| 2       | Vibratory Roller                                | 1 No.    | Purchased from Contractor Thirumurugan vide sale Agreement dated 15.10.2021.<br><br>L&T/ Invoice No. 048008 purchase dt. 30.04.2013 Bill Vibratory Compactor L&T-752 (S05G3) Serial No. J3359 Chassis No. J 13 D 3359, Engine No. 4 H 3218/ 1300125.                                                                                                            | GPS No. MMI754269<br><br>Engine No/Chassis No. WHBOH218AL0001932<br><br>It belongs to IVR & Co. | Documents submitted in Tender and actual equipment used at site are different. |
| 3       | Diesel road roller (Steel Wheel)(8 to 10 Tonne) | 2 Nos.   | 1.Purchase Invoice No.002, Dt.06.03.2009. No RC given SAS Malle road roller (8 to 10 tonnes) -1No.<br><br>M/s. Sellyamman & Co. TANDEM ROLLER BS-IV Lease Agreement Dt. 03.01.2025                                                                                                                                                                              | Vehicle No. KRB4373<br><br>GPS No. MMI754265                                                    |                                                                                |

The firm further argued that field inspection is not necessary and was conducted only in their case. This is incorrect. Field inspections were conducted for all bidders across all packages, and insufficient documentation and doubts on their submissions warranted such verification.

The bidder also claimed to be the lowest bidder, alleging that the disqualification was influenced by price. It is submitted that all price bids are secured within the e-Procurement portal and remain inaccessible until officially opened. As of now, the price bid of M/s Sri Sai & Co has not been opened, and their position remains unknown.



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During the Appellate Committee hearing, the bidder was given further opportunity to submit additional proof. Instead, they chose to question the disqualification of another bidder, alleging that withdrawal post-deadline is invalid. While withdrawal is indeed not permitted after bid submission, the tender conditions clearly prescribe forfeiture of EMD in such cases. The bidder in question will be duly penalized accordingly.

M/s Sri Sai & Co argued that equipment is akin to raw material and can be arranged post award. However, the tender mandates demonstration of availability as a precondition for technical qualification.

Although they reiterated willingness to show the equipment, subsequent verification again on 08.07.2025 for NABARD RIDF XXXI 2025-26 tender revealed once again the absence of key equipment, such as the Paver. For PMGSY Incentive Grant tender, a lease agreement was produced for a Paver from M/s Selliyanman & Co. Upon failing to show it, they produced a new hire agreement from M/s VM & Co for NABARD RIDF XXXI 2025-26 tender and attempted to show the Paver at VM & Co's premises, again confirming that they do not actually possess the equipment mentioned to be leased from M/s. Selliyanman & Co.

It is time and again proved that M/s Sri Sai & Co has made misleading and false representations for possession of key equipments as required by the tender conditions. Technical Bid Document (Part - I) - Section 2 Instruction to Bidders (ITB) - Clause. 4.7 clearly states that

*4.7 Even though the bidder meet the above qualifying criteria, they are subject to be disqualified if they have:*

*i. made misleading or false representation in the forms, statements, affidavits and attachments submitted in proof of the qualification requirements;*

Conclusion

Despite multiple opportunities, M/s Sri Sai & Co has failed to demonstrate compliance with the essential technical criteria as per the tender. Their explanations are inconsistent, documents are insufficient and misleading, and field verification has twice confirmed non-availability of the required machinery.

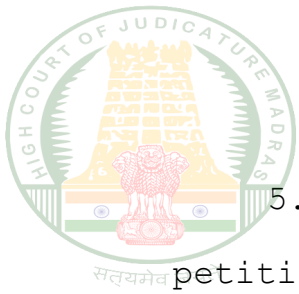
The appeal by M/s Sri Sai & Co is devoid of merit.

Their bid may be confirmed as disqualified under technical scrutiny, and The process may proceed in accordance with the tender procedures.

  
The District Collector/ Chairman,  
Appellate Committee,  
Ramanathapuram

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-   
1. Sri Sai & Co Constructions, Ramanathapuram  
2. The Additional Collector (Dev.)  
DRDA, Ramanathapuram  
3. The Executive Engineer (RD)  
DRDA, Ramanathapuram  
4. File

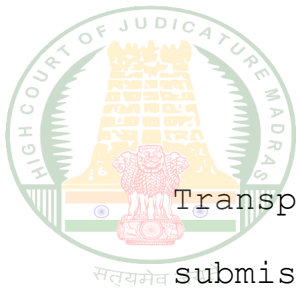


5.The case of the petitioner is that the petitioner's appeal has been unfairly rejected by the second respondent as an Appellate Authority under section 11 of the aforesaid Act, without considering the submission of the petitioner.

6.On the other hand, the learned Additional Advocate General appearing for the respondents would submit that the writ petition is devoid of merits, as there are consecutive findings not only by the Tender Evaluation Committee on 19/06/2025, but also by the Appellate Authority, wherein the petitioner's contention has been rejected. It is, therefore, submitted that the present writ petition is liable to be dismissed.

7.I have considered the arguments advanced by the learned Counsel appearing for the petitioner and the learned Additional Advocate General-I appearing for the respondents.

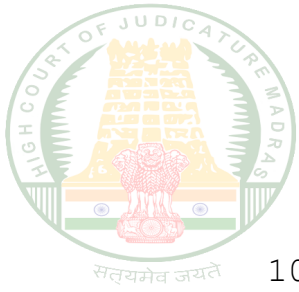
8.I am of the considered view, there is no merits in this writ petition as the second respondent as an Appellate Authority under section 11 of the Tamil Nadu



Transparency in Tenders Act, 1998 has considered the submission of the petitioner and dismissed the appeal.

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9. In fact, the order records that the petitioner has not produced any records to submit that the petitioner has required equipments for carrying on the work in respect of which the petitioner made a bid in the last week i.e., on 16/06/2025. This Court cannot sit as an Appellate Court against the order of the second respondent as an Appellate Authority. That apart, the scope of judicial review under Article 226 is limited in the matters of tender. Unless there is an arbitrariness, which is violated Article 14 of the Constitution of India, the scope of interference is limited. In this case, the petitioner is not able to demonstrate any procedural irregularity committed by the second respondent as an Appellate Authority. That apart, under Article 226 of the Constitution of India, the Court is required to look into only procedural irregularity in passing the impugned order and not taking the decision unreasonable which the person was made. The Court is not really concern with the decision making process.



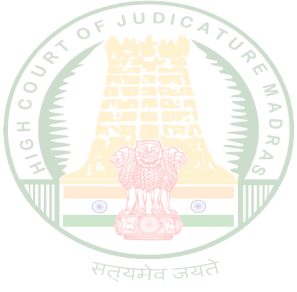
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10.As held by the Hon'ble Supreme Court in the case of **State of Punjab and others Vs. Mehar Din reported in (2022)5 SCC 648**, the Writ Petition is liable to be dismissed and is accordingly **dismissed**. No costs. Consequently, connected Miscellaneous Petitions are closed.

28/08/2025

Internet :Yes/No  
Index :Yes/No  
NCC : Yes/No  
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To,

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- 4.The Block Development Officer,  
Thiruppullani Block,  
Thiruppullani Union,  
Ramanathapuram District.
- 5.The Government Advocate,  
Madurai Bench of Madras High Court,  
Madurai.



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WP (MD) No. 23483 of 2025

**C. SARAVANAN, J**

**er**

**WP (MD) No. 23483 of 2025**

**28/08/2025**