



W.P(MD)No.34307 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.11.2025**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P(MD)No.34307 of 2025**

**and**

**W.M.P(MD)No.27149 of 2025**

MJD Construction and Engineering Contractors (P)Ltd.  
Rep. by its Managing Director,  
Janaka Jebangelin,  
5/112-B, Main Road,  
Kannumamoodu,  
Palugal Village,  
Kanniyakumari District.

... Petitioner

Vs.

1.The Superintending Engineer (Highways),  
Government of Tamil Nadu,  
Construction & Maintenance,  
Tirunelveli Circle,  
Tirunelveli.

2.The Divisional Engineer (Highways),  
Government of Tamil Nadu,  
Construction and Maintenance,  
Nagercoil.

...Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to accept the technical bid of the petitioner's company and to open the financial bid relating to the tender notification in Tender Notice No. 39/2025-2026/HDO, dated 03.11.2025 issued by the first respondent.



W.P(MD)No.34307 of 2025

For Petitioner : Mr.C.Bharathi  
For Respondents : Mr.A.Kannan,  
Addl. Govt. Pleader

**ORDER**

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to accept the technical bid of the petitioner's company and to open the financial bid relating to Tender Notice No.39/2025-2026/HDO, dated 03.11.2025, issued by the 1st respondent.

2. The petitioner submits that the petitioner-company is a State-level Class-I contractor for the Highways Department and has successfully executed several major highway works to the satisfaction of both the State and Central Highways Departments. The first respondent issued Tender Notification No. 32/2025-2026/HDO dated 02.09.2025 for the work of widening the Arumanai-Panachamoodu Road (TNV-98) from single lane to intermediate lane and strengthening it from Km 0/0 - Km 4/8. The estimated contract value is Rs. 371.50 lakhs, and the period of completion is four months. In the tender condition, Clause No.7, the petitioner was required to obtain work-site inspection and plant and machinery certificates from the 2nd respondent. Accordingly, the petitioner submitted a representation dated 17.09.2025 to the 2nd respondent. On 22.09.2025, the 2nd respondent inspected the petitioner's work sites, hot-mix plant, and



*W.P(MD)No.34307 of 2025*

machinery. The 2nd respondent issued certificates dated 27.09.2025 and 30.09.2025 only on 06.10.2025. Thereafter, the petitioner participated in the tender. However, no communication was received regarding the opening of the tender. Upon verification of the online portal on 22.10.2025, the petitioner found that the technical bid had been opened and that neither the petitioner nor other contractors were qualified for the work. Subsequently, the 1st respondent recalled the tender for the said work and other works and issued the present Tender Notice No.39/2025-2026/HDO, dated 03.11.2025. However, the 1st respondent again imposed Condition No.7, and the respondents once more insisted that the petitioner obtain the aforementioned certificates for the same work. The petitioner approached the authority on 11.11.2025, 14.11.2025, and 18.11.2025 seeking issuance of the Work-Site Inspection Certificate and the Plant and Machinery Working Condition Certificate. The 2nd respondent assured the petitioner that the certificates would be issued and received the petitioner's representations, but did not issue them. Hence, the petitioner submitted another representation on 20.11.2025. The petitioner thereafter participated in the tender by uploading the previously issued certificates. Since the respondents did not open the tender and allegedly attempted to do so without notice or the presence of bidders, the petitioner contends that it has been deprived of a fair opportunity to participate in the tender. Hence, the petitioner has approached this Court seeking the above relief.



*W.P(MD)No.34307 of 2025*

3. The learned Additional Government Pleader appearing for the respondents submits that the respondents have opened the tender; four bids were received and admitted; and the financial bids are going to be opened and the same will be communicated to the petitioner and others. In this regard, he has produced a copy of bid opening summary dated 24.11.2025 in Tender Ref No.TN No.39 2025-226 HDO dated 03.11.2025.

4. I have considered the rival submissions of both sides.

5. It appears that after issuance of the tender notification dated 03.11.2025, the petitioner approached the authorities several times to obtain the required certificates. However, the authorities did not issue them, and the petitioner therefore uploaded the earlier certificates dated 06.10.2025, issued by the 2nd respondent, and participated in the present tender. Despite this, the respondents have not opened the financial bids to date and have not finalized the tender in accordance with the tender notification. The earlier certificates dated 27.09.2025 and 03.09.2025, which were issued on 06.10.2025, were issued only recently. Therefore, requiring the petitioner to obtain the very same certificates again within such a short period, and for the same work, is unsustainable and illegal. This Court is of the view that once the required certificates have already been issued for the same work, the authority cannot insist on their re-submission.



W.P(MD)No.34307 of 2025

6. Further, the respondents have not produced any material to justify the non-issuance of the certificates despite having conducted the inspection, nor they have produced any records to show that the tender was opened in the presence of the bidders as required under the Tender Transparency Act and Rules. The respondents have also failed to open the tender on the date and time prescribed in the tender notification.

7. That apart, the respondent has created a new category “Admitted”. The petitioner has to either be “accepted” or “rejected” and there is no category as “Admitted” contemplated in the Tender. The online Tender Notice No.39/2025-2026/HDO dated 03.11.2025 had stipulated follows in New Nos.5 and 6.

*“5.The technical cover containing the qualification documents as prescribed in the tender document received through “online” shall be opened electronically at 15.00 hours on 24.11.2025 (as per the seven system clock) in the office of the Superintendent Engineer (Highways), C & M, Tirunelveli Circle.*

*6.The financial cover containing price bid document of qualified bidders in the pre-qualification only will be opened on a later date with due information to them. Thereafter, the Tender condition clearly spelt out that the technical bid would be opened on 24.11.2025 at 15.00 hours and persons who are qualifying this bid will be considered for the financial bid. However, contrary to the above, the respondent has not*



W.P(MD)No.34307 of 2025

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*scrutinized the pre-qualification / technical bid at 15.00 hours on 24.11.2025 but have only admitted the same at 06.10 p.m and admittedly not in the presence of the parties.*

8. Rule 21(1) specifies that the tender should be opened at the time and venue specified in the Notice Inviting Tender. 21(3) specifies that tender should be opened in the presence of the tenderers or their chosen representatives. Rule 22 of the Tamil Nadu Transparency Rules, 2000, provides the procedures to be followed the tender opening. Rule 22(h) provides for minutes of the tender opening being recorded and (i) provides for obtaining the signature of all the tenderers present. In case a tenderer refuses to sign, the same has to be recorded. Therefore, the procedure adopted by the respondents is alien to the Act and the Rules. The entire tender process therefore is utilized by mala fides and should be set aside. However, taking note of the fact that the earlier auction had been set aside and a fresh tender (which is the subject matter of this writ petition) has been conducted which is an expense to public exchequer, the following directions are issued while allowing this writ petition.

9. In such circumstances, the petitioner cannot be prejudiced due to the inaction of the authorities. Fairness in tender processes mandates that all bidders be given an equal and reasonable opportunity.



W.P(MD)No.34307 of 2025

10. In view of the above, this Court is satisfied that the petitioner is entitled to relief. Therefore, the respondents are directed to accept the technical bid of the petitioner, open the petitioner's financial bid along with those of the other eligible bidders, and proceed with the tender process strictly in accordance with law within a period of one week from the date of receipt of a copy of this order.

11. Accordingly, the writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

**28.11.2025**

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

To:

1.The Superintending Engineer (Highways),  
Government of Tamil Nadu,  
Construction & Maintenance,  
Tirunelveli Circle,  
Tirunelveli.

2.The Divisional Engineer (Highways),  
Government of Tamil Nadu,  
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W.P(MD)No.34307 of 2025

**P.T.ASHA, J.**

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ORDER MADE IN  
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DATED :28.11.2025