



WEB COPY

WP No. 390 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 390 of 2026

and

WMP No.455 of 2026

M/s Spancrete Civil Engineering

Rep. by its partner,

K. Shanamugam,

No 129, 3rd main Road,

Porur Garden, Phase Ii, Vanagaram,

Chennai 600 095

..Petitioner(s)

Vs

The Assistant General manager (CE)

Civil engineering division,

Food Corporation of India,

Regional office,

No 8, Sathyamurthy Road, Chetpet,

chennai 600 031

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the Respondent not to reject the bid of the petitioner submitted on 03.01.2026 on the ground of non-production of individual performance certificate and direct the respondent to process the bid of the petitioner in e-tender notice in NIT No. / Engg / ROTN /



NIT - 24/ 2025-26 dated 12.12.2025 on the file of the respondent taking into account of the petitioners past proportionate experience in the joint venture performance certificate dated 29.07.2025.

For Petitioner(s): Mr.V. Elangovan

For Respondent(s): Mr.S.R.Sumathy, Standing Counsel

ORDER

This Writ Petition has been filed for the following reliefs:-

“directing the Respondent not to reject the bid of the petitioner submitted on 03.01.2026 on the ground of non-production of individual performance certificate and direct the respondent to process the bid of the petitioner in e-tender notice in NIT No. / Engg / ROTN / NIT - 24/ 2025-26 dated 12.12.2025 on the file of the respondent taking into account of the petitioners past proportionate experience in the joint venture performance certificate dated 29.07.2025.”

2. The petitioner’s case is that, pursuant to the tender notice issued by the respondent on 12.12.2025, the petitioner, being eligible to participate in the tender, submitted their bid online on 03.01.2026 along with payment of the EMD amount, which was duly acknowledged by the respondent. One of the conditions imposed in the said tender is that the bidders must submit a Performance Certificate. Though the petitioner submitted their Performance Certificate in the form of a Joint Venture Certificate, the apprehension of the



petitioner is that their bid may be rejected for non-production of an individual Performance Certificate. Hence, the petitioner has come forward with the above Writ Petition.

3. The learned counsel appearing on behalf of the respondent submitted that the tender process is still underway and has not yet been finalised.

4. This Court is of the view that the Writ Petition is premature, as the tender process has not yet been finalised and the petitioner, without awaiting its outcome and merely on the basis of apprehension that their bid may be rejected, has rushed to this Court. Hence, the relief sought for by the petitioner cannot be granted at this stage.

5. Accordingly, the Writ Petition stands dismissed. It is needless to state that, if the petitioner is aggrieved after the tender process is finalised, it is well open to the petitioner to challenge the tender in question in the manner known to law. No costs. Consequently, the connected Miscellaneous Petition is closed.

04-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR



To

WEB COPY
The Assistant General manager (CE)
Civil engineering division,
Food Corporation of India,
Regional office,
No 8, Sathyamurthy Road, Chetpet,
chennai 600 031



WEB COPY

WP No. 390 of 2



P.T.ASHA, J.

SHR

WP No. 390 of 2026

04-02-2026