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WP No. 3719 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP.No.3719 of 2026
and WMP.Nos.4129 & 4130 OF 2026**

R.Velusamy

..Petitioner

Vs.

1. The Principal Secretary to Government
Municipal Administration and Water Supply Department, Fort St.George,
Chennai-600 009.
2. The Directorate of Municipal Administration
Urban Administrative Building Campus,
Santhome High Road,
MRC Nagar,
Raja Annamalaipuram,
Chennai-600 028.
3. The Chief Engineer
The Directorate of Municipal Administration,
Urban Administrative Building Campus,
Santhome High Road,
MRC Nagar,
Raja Annamalaipuram,
Chennai-600 028.
4. The District Collector
Tiruppur,
Tiruppur District.
5. The Commissioner
Thirumuruganpoondi Municipality,
Tiruppur.

..Respondent(s)



Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records and quash the impugned Rejection email order passed against the Petitioner by the 5th Respondent in Tender Ref.No.2944/2025/E1 in Tender Id. 2026 _MAWS_642527_1 dated 29.01.2026 and consequently direct the 5th respondent to proceed with the petitioner's bid for further process within the stipulated time fixed by this Court.

For Respondent(s) : Mr.I.M.Siddartha Ramarajan

For R1 to R3 & R5 : Mr.T.Seenivasan
Spl.Govt.Pleader

For R4 : Mr.L.S.M.Hasasn Fizal
Addl.Govt.Pleader

ORDER

Heard Mr.Siddartha Ramarajan, learned counsel for the petitioner and Dr.T.Seenivasan, leaned counsel appearing for R1 to R3 and R5 and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader for R4.

2. The petitioner is a registered Class-1 contractor. He claims to have constructed roads, bridges, underground drainage works, water supply works and other infrastructure related works. He pleads that his expertise has been utilised by various Corporations. The present writ petition relates to a tender for two packages of works consisting of bitumen road works and cement concrete works to be executed at Thirumuruganpoondi Municipality.



The petitioner participated in the bid on 27.01.2026. However, the bid was not considered on two grounds namely, i) the Cement Concrete Road completion/experience certificate was not enclosed and ii) December 2025 GST-3B was not enclosed. Challenging the same, the present writ petition.

3. It is the plea of Mr.Siddartha Ramarajan that the clause calling upon the participants to produce the estimate certificate is itself defective. He invites my attention to Clause 4.1.4 wherein, the 5th respondent has called upon the participants to produce the experience certificate with respect to completed “**Building works**”.

4. He further points out that instead of asking for certificate for three years preceding 2025, the clause calls upon the proposed tenderer to furnish certificates for the period from 2020 to 2023. He urges that since the tender notification itself is invalid, the rejection of his tender ought to be interfered with.

5. He further states that by way of abundant caution, the petitioner had uploaded the experience certificate for bitumen works and that he is willing to produce the completion certificate for cement concrete works. Furthermore, he points out that the GST requirement was never mentioned in the tender notification and therefore, rejection of the petitioner’s bid on either ground requires interference.



6. Dr.T.Seenivasan states that he has been instructed by the 5th respondent in writing. The instructions state that as a first-class contractor, the writ petitioner ought to have known that a work completion/experience certificate should be submitted for both Bitumen Top Road as well as Cement Concrete Road. While he has produced the certificate for BT road, he has not produced the same for CC road. The instructions further state that the petitioner has not produced the latest GST returns, whereas the other two tenderers who participated in the same tender have produced the latest GST returns. He further states that when the matter was taken up for technical evaluation on 29.01.2026, these defects were noticed by the 5th respondent and consequently the bid was rejected.

7. Dr.T.Seenivassan, further states, on instructions, that the work order has already been issued to the successful tenderer.

8. I have carefully considered the submissions made by both sides and also have gone through their records.

9. Mr.Siddartha Ramarajan, is right in stating that Clause 4.1.4 calls upon the tenderers to produce a building contract experience certificate/work completion certificate. However, the petitioner did not approach this Court



immediately after the tender notification dated 20.01.2026. Instead, he participated in the tender. He was aware that it was a road work and for the said purpose, he furnished the certificate regarding experience for BT roads alone. Though the petitioner claims that he has constructed CC roads also, he did not enclose any experience certificate to substantiate the same. Had the petitioner approached this Court immediately after the tender notification was issued, the issue could have been examined at that stage.

10. However, the petitioner, having participated in the tender and committed a mistake, cannot now turn around and plead that the documents uploaded by him, though not in compliance with the tender conditions, entitles him to seek relief at this stage.

11. A person who has participated in a tender knowing well the purpose of the tender and the requirements stipulated therein, cannot later plead violation of the tender conditions. To make it abundantly clear, the petitioner is a road contractor. The petitioner claims that he has experience in both B.T Road as well as CC Road but furnished certificates only for BT Road.

12. This is not a case where the petitioner had scrupulously complied with the terms of the tender and yet his tender was rejected. As per the



Contract Act, a tender is merely an invitation to offer. The submission made by the contractor is an offer, and only after the work order is issued, does it crystallise into a concluded contract. Both the Tender Inviting Authority and the writ petitioner were aware that it was a road work and the petitioner had uploaded certificates only with respect to B.T Road.

13. Therefore, I do not find any prejudice caused to the petitioner on account of the erroneous usage of the word “building construction” in clause 4.1.4. Further, when no prejudice is shown to have been caused and the petitioner has been rejected on the ground of not furnishing experience certificates to substantiate his claim, I am not in a position to come to the rescue of the writ petitioner.

14. Even, if I were to accept the plea of Mr.B.Siddhartha Ramarajan with respect to the GST certificate, the writ petition still fails on account of the fact that the petitioner admittedly did not enclose the certificate for Cement Concrete Road works.

15. The 5th respondent ought to be careful while issuing tender notifications hereafter. A cut-copy-paste” of previous tender notifications may create ambiguity and does not befit a tender inviting authority. In any event, had the petitioner challenged the notice inviting tenders at the earliest



point of time, the 5th respondent would have run the risk of the proceedings being interfered with.

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16. Be that as it may, since the petitioner participated in the tender and failed to produce the necessary records to substantiate his case, I am not inclined to entertain the writ petition. Furthermore, as the work order has already been issued, any interference at this stage would amount to throwing a spanner in the works, which would not be in public interest.

17. In the light of the above, this writ petition is dismissed . No costs. Consequently, connected miscellaneous petitions are closed.

03-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
kkd



V.LAKSHMINARAYANAN J.

kkd

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