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WP No. 3752 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

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

WP No. 3752 of 2026

AND

WMP NO. 4173 OF 2026, WMP NO. 4174 OF 2026

M/s.Sairam Constructions
Rep by its Partner R. Vijayan
No 18, Gopal Street Extension
N.K. Ngar, Tindivanam
Villupuram - 604 001.

..Petitioner(s)

Vs

1. The Superintending Engineer
National Highways
Chennai Circle,
Chennai – 106.
2. The Divisional Engineer
National Highways
Chennai – 106.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 27.01.2026 in ref. Tender ID No 2025_MoRTH_890314_1 and quash the same and consequently direct the 1st respondent to consider the bids of the petitioner in respect of the work of widening form intermediate lane to Two Lane and strengthening at KM 6/0-11/350 and 11/700 - 15/2 of Vilangadu Road (M-743) road without insisting for



the work ite inspection certificates and permit the petitioner to produce the same later after issuance of the certificates by the 2nd respondent and pass orders.

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For Petitioner(s): Mrs.A.L.Ganthimathi
Senior Counsel for Mr.L.Palani Muthu

For Respondent(s): Mr.V.Jeevagiridharan
Additional Government Pleader for R1 & R2

ORDER

The above writ petition has been filed for the following relief :

“ To issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 27.01.2026 in ref. Tender ID No 2025_MoRTH_890314_1 and quash the same and consequently direct the 1st respondent to consider the bids of the petitioner in respect of the work of widening form intermediate lane to Two Lane and strengthening at KM 6/0- 11/350 and 11/700 - 15/2 of Vilangadu Road (M-743) road without insisting for the work ite inspection certificates and permit the petitioner to produce the same later after issuance of the certificates by the 2nd respondent”

2. The petitioner is a registered Class I Contractor registered with the Highways Department. On 17.12.2025, the first respondent had called for a tender for “Widening of Intermediate Lane to Two Lane and Strengthening at Km 6/0 - 11/350 and 11/700 -15/2 of Vilangadu Road (M-743)”. The last date for receipt of tender documents was on 19.01.2026 upto 15.00 hrs. Clause 11 of the tender condition stipulates



that 'Work Inspection Certificate' and 'Plant and Machinery certificate' issued by the second respondent have to be enclosed along with the tender documents, failing which, tender will be summarily rejected. Clause 12 stipulates that the last date for submitting an application to obtain the said certificates was on 06.01.2025 upto 17.45 hrs.

3. The petitioner who intends to participate in the said tender, had submitted his application and representation dated 05.01.2025 before the second respondent for obtaining necessary certificates. The same was not considered. Hence, the petitioner approached this Court in W.P.No.520/2026 forbearing the first respondent from opening the tender documents. This Court, based on the instructions received from the Government Advocate that the site of the petitioner would be visited on 09.01.2026, vide its order dated 08.01.2026, has disposed of the writ petition.

4. The petitioner would submit that pursuant to the directions of this Court, the second respondent had visited the site on 09.01.2026. The petitioner was asked to produce the ownership documents relating to machineries.. The petitioner had produced an unregistered sale deed of the plant. Despite production of documents, on 14.01.2026, the second respondent had issued a machinery certificate but with adverse remarks



and however, no work inspection certificate was issued to him, thereby, insisting the petitioner to produce a valid registered sale deed or a tax invoice of the plant.

5. Since the last date of the tender opening was on 19.01.2026, and due to the intervening holidays, the petitioner had submitted his tender documents on 15.01.2026, without the site inspection certificate. The petitioner apprehending that his tender documents may be rejected for non-production of site inspection certificate, had approached this Court with W.P.No.1976 of 2026 seeking a direction to the first respondent, not to insist for work inspection certificate and to permit the petitioner to produce the same after the certificate was issued by the second respondent and the same is pending before this Court, for want of certain details.

6. On 27.01.2026, the first respondent had rejected the tender of the petitioner stating that the Committee constituted for technical evaluation had found the petitioner's bid not technically qualified. Hence, the petitioner is before this Court to quash the said impugned order.

7. The learned counsel appearing for the petitioner would submit that he has been furnished with the said certificates relating to the same machineries



when he had participated in the earlier tender notification of the first respondent. Therefore, the rejection of the petitioner's bid at technical evaluation stage in the tender now called for, is arbitrary and just.

8. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and this Court also perused the materials filed in the typed set of papers.

9. A perusal of the affidavit and typed set of papers would show that the petitioner's tender has been rejected as it was technically not qualified. Admittedly, in the earlier round of litigation in W.P.No.520 of 2026, the writ petition filed by the petitioner seeking to forbear the respondents from opening the tender documents, this Court had disposed of the said writ petition on 08.01.2026, recording the submissions made by the learned Additional Government Pleader that the site would be visited on 09.01.2026. It transpires that the petitioner had submitted a representation on 05.01.2026 to the second respondent to inspect the plant and issue Plant and Machinery Certificate as well as to provide the Work Site Inspection Certificate.

10. Pursuant the orders of this Court in W.P.No.520 of 2026, it appears that the petitioner had sent a letter dated 13.01.2026 calling upon the



respondents to comply with the orders passed on 08.01.2026. Subsequent to the inspection, the petitioner had received a correspondence on 14.01.2026 styled as 'Certificate' from the second respondent, in which it has been stated that the documents submitted by the petitioner was not accepted by them as they did not constitute proof of possession. The second respondent had directed the contractor/petitioner to submit a registered sale deed or tax invoice with reference to the plant and machinery, which the petitioner had failed to produce. Thereafter, the petitioner had addressed a letter to the respondents on 15.01.2026 in which they had stated that except the Work Site Certificate, the other tender documents and tender fee had been enclosed. Hence, the petitioner had requested the respondents to stall the entire tender proceedings, till the production of 'Work Site Inspection Certificate' by him.

11. The reading of the certificate dated 14.01.2026 issued by the second respondent relating to Plant and Machinery would show that as against the required 5 nos. of Tippers, only two numbers were provided. That part, it has been clearly stated in the certificate that the ownership of documents have not been furnished. In fact, in the Certificate dated 14.01.2026, the second respondent had requested the petitioner to produce either the registered sale deed document or tax invoice of Plant and Machinery, to enable them to proceed with the inspection of Plant and Machineries. This request has not been complied with. However, the petitioner had proceeded to submit his tender



documents on 15.01.2026 without meeting the tender conditions in full.

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12. The contention of the learned counsel appearing on behalf of the petitioner is that the Work Site Inspection Certificate has not been issued to the petitioner, therefore, the petitioner may be permitted to participate in the tender without insisting the same. This argument cannot be countenanced, as the tender condition stipulates that both the Work Site Inspection Certificate and Plant and Machineries Certificate have to be submitted simultaneously.

13. Admittedly, the tender conditions clearly stipulates that Work Site Inspection Certificate and Plant and Machinery Certificate are compulsory to process the technical bids of the tenderer. The petitioner is not able to convince the Court that they had submitted all the requisite documents pertaining to the tender in all respects as required in the tender conditions. Keeping aside the contention of the petitioner in his correspondence dated 15.01.2026 that the Work Site Inspection have not been issued to them, it also appears that in the Certificate of the second respondent, the petitioner was requested to provide the proof of ownership of plant and machineries either by submitting registered sale deed or tax invoice of the Plant and Machineries to enable them to proceed with the inspection. However, without furnishing the said documents, the petitioner had proceeded to submit his tender. The Work Site Inspection Certificate alone does not stop the petitioner from participating in the bid, but the Plant and



Machineries Certificate which is also a requisite document, has also not been furnished as required . Therefore, when the petitioner had not complied with the tender conditions in all required aspects as required therein, this Court is not in a position to quash the impugned order rejecting the technical bid of the tender and to grant the consequential relief sought by the petitioner.

14. Accordingly, the writ petition is dismissed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

05-02-2026

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

DS

To:

1. The Superintending Engineer
National Highways
Chennai Circle,
Chennai – 106.
2. The Divisional Engineer
National Highways
Chennai – 106.



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