



WEB COPY

WP No. 4299 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

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

WP No. 4299 of 2026

AND

WMP NOs. 4745 & 4747 of 2026

M/s.P.M.Infra,
Rep. By its Managing Partner,
Mr.R.Gopinath,
S/o.K.V.Ramasamy
Having registered Office at
D.No. 2/396-3, Karaiyanpudur,
Pappinaickenpatty Post,
Namakkal -637 003.

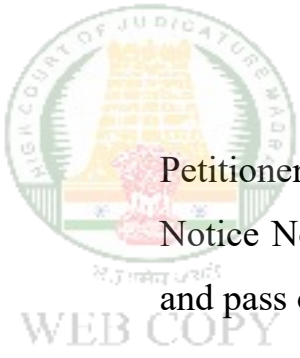
..Petitioner(s)

Vs

1. The Superintending Engineer (Highways),
Construction and Maintenance,
Salem Circle,
Salem.
2. The Divisional Engineer (Highways),
Construction and Maintenance,
Namakkal Division,
Namakkal.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned letter Na.Ka.No. 175/25 dated 02.02.2026 issued by the 2nd respondent, quash the same as discriminatory, arbitrary, unreasonable, beyond tender conditions and without jurisdiction, and consequently direct the 2nd respondent to issue the Work Site Inspection Certificate and Working Condition of Plants and Machineries Certificate to the Petitioner, enabling the



Petitioner to participate in the e-tender floated by the 1st respondent vide Tender Notice No. 53/2025-2026/HDO dated 20.01.2026 for the works in serial No. 2 and pass orders.

For Petitioner(s): Mr.S.Senthil

For Respondent(s): Mr.M.Suresh Kumar
Additional Advocate General
Assisted by Mr.Yogesh Kannadasan
Special Government Pleader for R1 & R2

ORDER

The writ petition is filed for the following relief :

“ To issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned letter Na.Ka.No. 175/25 dated 02.02.2026 issued by the 2nd respondent, quash the same as discriminatory, arbitrary, unreasonable, beyond tender conditions and without jurisdiction, and consequently direct the 2nd respondent to issue the Work Site Inspection Certificate and Working Condition of Plants and Machineries Certificate to the Petitioner, enabling the Petitioner to participate in the e-tender floated by the 1st respondent vide Tender Notice No. 53/2025-2026/HDO dated 20.01.2026 for the works in serial No. 2. ”

2. The petitioner-company which is a partnership firm engaged in the construction and maintenance of Highways and a State Level Class-I Contractor registered with the Highways Department, has filed the above writ petition.



3. The first respondent had floated e-tender vide Tender Notice No.53/2025-2026/HDO dated 20.01.2026 in respect of four works. Sl.No.2 therein relates to "Widening from Two-Lane with Paved Shoulder to Four Lane Strengthening at km 60/8-66/0 of Omalur Sankari - Thiruchengode - Paramathy Road" with an approximate value of Rs.2,527.20 lakhs and the period stipulated for completion of work was 12 months. The petitioner would submit that the tender documents were made available in the official government portal on 22.01.2026 and the last date for submission of the bid was on 07.02.2026 at 11.00 hours and the opening of the bid was scheduled on the same day at 12.00 hours.

4. The petitioner had downloaded the tender documents with an intent to participate in the tender as they had fulfilled the eligibility criteria of the tender conditions. Further Clause-8 of the tender notice mandates that the bidder should obtain a Work Site Inspection Certificate and Working condition of the Plants and Machineries Certificate from the concerned Divisional Engineer (Highways), namely the second respondent and the same has to be uploaded along with the tender documents, failing which, the bid would be rejected. The petitioner would submit that in compliance of the said tender condition, he had submitted an application dated 29.01.2026 to the second respondent, seeking issuance of aforesaid certificates. The said application was received by



the second respondent on 02.02.2026. However, despite receipt of the petitioner's application, the second respondent had failed to issue the said certificates, which compelled the petitioner to approach this Court by way of a writ petition seeking a mandamus to the second respondent to issue the certificates.

5. When the tender submission deadline was imminent, during the evening hours on 03.02.2026, the petitioner received the impugned letter dated 02.02.2026 issued by the second petitioner, calling upon the petitioner to furnish Fitness Certificate for vehicles and Pollution Control Certificate for the Central Hot Mix Plant. It is aggrieved by this letter, the petitioner is before this Court.

6. It is the contention of the petitioner that these two certificates did not form part of the original tender conditions stipulated in the tender notification and it is a subsequent demand made by the respondents, post the issue of tender and that too at a last time just before the submission of the bids. He would submit that the said letter is contrary to the object of the Tamil Nadu Transparency in Tenders Act, 1998.

7. When the matter is taken up for admission on 06.02.2026, the counsel appearing for the respondents sought time to file the counter and the matter stood adjourned to 13.02.2026. Thereafter, when the matter for listed on



13.02.2026, this Court had directed the respondents to produce the documents that were uploaded by other bidders along with the time schedule and also the counter of the respondents. Subsequently, the matter was adjourned to today.

8. Today, when the matter is taken up for hearing, the counter of the second respondent was filed denying the contentions of the petitioner that the Pollution Control Board Certificate and Fitness Certificates were an after thought. They have stated that as far as Hot Mix Plants are concerned, calibration certificate is mandatory and it is an implied condition. That apart, as per the guidelines issued by the Tamil Nadu Pollution Control Board as well as the National Green Tribunal Southern Zone, Chennai, the Hot Mix Plant has to be surveyed periodically once in a year and report to be furnished before the Tamil Nadu Pollution Control Board. They would further submit that in the absence of these certificates, the issuance of Work Site Inspection Certificate and Plants and Machinery Certificate would have no meaning. They would further submit that as far as the production of Registration Certificate and production of Pollution Control Board Certificate are concerned, it is part of the documents required for submitting the bid and therefore, they sought for dismissal of the writ petition.

9. Today in compliance with the directions of this Court, the documents uploaded by the other tenderers have been produced. A perusal of which



would reveal that all the tenderers have produced the certificates issued by the Pollution Control Board. Even the petitioner themselves is aware about the production of the Pollution Control Board Certificate. Their contention is that the production need not be insisted at the time of submitting the bid but could be deferred either at the stage of issuing Work Order or just prior to the commencement of execution of work. The petitioner is fully conversant with the various documents that are required to be submitted as he had participated in various civil works of the Highways Department.

10. The necessity for seeking the production of Pollution Control Certificate is on account of the orders of the National Green Tribunal Southern Zone, Chennai dated 26.03.2025 in O.A.No.54 of 2025 and the order in A.No.10 of 2015 dated 17.02.2016. In the former, the challenge was to the removal of the tender condition viz., “*production of Pollution Control Board Certificate for Central Mix Plant*” by the Greater Chennai Corporation. The applicant therein apprehends that removal of such condition would cause environmental degradation, without any check on the Hot Mix Plant and hence sought a direction to reimpose the said clause in the tender condition of GCC. The Board had opined that the successful bidder is required to obtain sanction from the Tamil Nadu Pollution Control Board after the tender process is completed. The removal of this clause by Greater Chennai Corporation does not exempt the bidder from compliance as the GCC will not permit the



successful bidder to operate without the necessary consent. The Tribunal has categorically held that any person owning the Hot Mix Plant and who had emerged as a successful bidder, was bound to obtain valid consent to operate, from the Tamil Nadu Pollution Control Board before the Work Order is issued and the work is commenced. This order was passed by the National Green Tribunal, Southern Zone, Chennai, on 26.03.2025. Even in its earlier order dated 17.02.2016 in Application No.10 of 2016, the National Green Tribunal, Southern Zone has observed as follow :

“9. We direct that in future Corporation of Chennai as well as Highways Department or any other Department which will approach these units for the supply of hot mix shall ensure before issuing work orders that they have got valid and subsisting “consent to operate” from the Board.

10. It is now informed that in respect of functioning of hot mix units no guidelines are framed by the Board.

11. We are of the considered view that the Board shall immediately take up this issue and frame necessary guidelines stipulating various conditions in respect of hot mix units taking into consideration the environment and other aspects expeditiously, in any event within a period of eight weeks from the date of receipt of the copy of this order.”



11. Therefore, the insistence on the production of the Pollution Control Certificate and the Fitness Certificate does not appears to be arbitrary. Therefore, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

18-02-2026

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

DS

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