



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 9297 of 2026 and WMP.No.10011 & 10012 of 2026

M/s. Affluence Construction
Rep. by its proprietor, Aranganathan.B,
SF No. 197/1 Nallanhalli Village,
Semmanda Kuppam Panchayat, Hale
Dharmapuri (PO) Dharmapuri 636 701 ,
(Highways Contractor Code 01/ SL/A/
0129/ S, WRD Regn.No. TN-
1672025101600357)

Petitioner(s)

Vs

1. The Divisional Engineer
Highways Department, Construction
and Maintenance Division,
Kancheepuram
- 2.The Superintending Engineer
Highways Department, Chennai circle,
Chennai
- 3.The chief Engineer (Construction and
Maintenance)
Highways Department, Chennai
- 4.The Secretary to Government
Highways and Minor ports Department,
Fort St.George, Chennai 09
- 5.Muralidharan
(Divisional Engineer C and M), No. 57
Salai street, Kancheepuram 631 502

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, calling for the records relating to the Technical Bid opening summary dated 2.03.2026 issued by the 2nd respondent qua the petitioner in Tender ID 2026 _HWAY_660498_1 and quash the same insofar as it disqualifies the petitioner's bid and directing the respondent particularly the 2nd respondent to admit the



petitioners bid for technical and financial evaluation by accepting the SIPCOT verification certificates dated 02.01.2026, 24.01.2026 (Thoothukudi), 24.01.2026 (cheyyar), 16.12.2025 and the Highways Department certificates dated 10.10.2025, 21.03.2023, 25.11.2022 as valid and sufficient proof of ownership and working condition of the required plant and machineries.

For Petitioner(s): Mr.K.Elangoo

For Respondent: Mr.M.Suresh Kumar, AAG
assisted by Ms.V.Yamuna Devi for R1 to R4
Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself. Since no adverse order is passed against the fifth respondent, notice to the fourth respondent is dispensed with.

2. This petition has been filed challenging the Technical Bid opening summary dated 02.03.2026 issued by the 2nd respondent qua the petitioner in Tender ID 2026 _HWAY_660498_1 and quash the same insofar as it disqualifies the petitioner's bid and directing the respondent particularly the 2nd respondent to admit the petitioners bid for technical and financial evaluation by accepting the SIPCOT verification certificates dated 02.01.2026, 24.01.2026 (Thoothukudi), 24.01.2026 (cheyyar), 16.12.2025 and the Highways Department certificates dated 10.10.2025, 21.03.2023, 25.11.2022 as valid and sufficient proof of ownership and working condition of the required plant and machineries.



3. It is the case of the petitioner that the first respondent issued a tender notice date d14.02.2026 for widening/strengthening/improvements of Kodambakkam-Sriperumbudur Road (SH-113) including in Kundrathur urban limits (Km 6/700-13/0) . The bid submission deadline is fixed on 02.03.2026. The petitioner submitted a timely request letter dated 26.02.2026 for inspection and issuance of the certificate. On 28.02.2026 at 11.21 am, the second respondent acknowledged and called the petitioner to attend the office on 28.02.2026 by 3 pm with the relevant documents for issuance off certificates and the petitioner appeared before the authority, however, the first respondent did not see him. It is the grievance of the petitioner despite the request was made in advance, the petitioner's bid was rejected as not admitted on the ground that work site inspection certificate and working condition of the plants and machineries certificate was not furnished. Challenging the same, the present petition.

4. The learned counsel for the petitioner submitted that admittedly the petitioner visited the first respondent office requesting for worksite inspection from 20.02.2026 well before the last date, however, deliberately, the first respondent deliberately dragged the matter from pillar to post refusing to receive the request, thereafter, the petitioner sent a detailed letter on 26.02.2026 well before the cut-off date requesting issuance of worksite certificate and condition, however, the same was not provided and thereafter, the petitioner



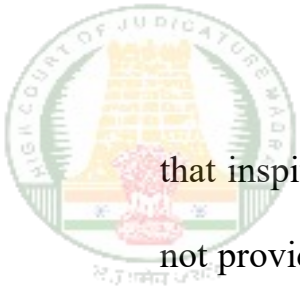
submitted the bid on 01.03.2026, however, it was rejected on the ground of non furnishing of worksite inspection certificate.

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5. The learned Additional Advocate General submitted that the tender application of the petitioner was rejected on the sole ground that the petitioner has not submitted the worksite inspection certificate, it is the mandatory certificate to be submitted along with the bid, however, the petitioner has not submitted the worksite inspection which is not proper and thus, the technical bid of the petitioner was rejected. Hence, seeks for dismissal of this writ petition.

6. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 4 and perused the materials placed on record.

7. A careful perusal of the materials available on record, as pointed out by the learned Additional Advocate General reveals that certain particulars, which were mandated to be filled along with the tender form have not been filled by the petitioner. To put it precisely, no worksite inspection certificate and working conditions of plants and machineries certificates are filed by the petitioner, which are mandatory documents for scrutinizing the technical bid of the petitioner. Further, it is to be pointed out that even it is the admitted case of the petitioner that it has not filed certain documents, but it is only contended



that inspite of request made for providing the certificates, the respondents have not provided them with the requisite certificate. However, it is to be pointed out that even if the said stand is to be accepted, it is the duty of the petitioner to provide all the relevant information sought for in the tender application. The said mandatory requirement having not been fulfilled, definitely, there the tender document is liable to be held to be deficient.

8. Time and again, the Hon'ble Apex Court has reiterated that the Courts, under the guise of judicial review should not conduct a roving expedition as to the matters connected with matter involving award of tender. The touchstone on which the tender awarding process should be looked at is only on the basis of arbitrariness and unreasonableness in the award of the tender. So long as arbitrariness and unreasonableness have not formed the basis of the tender scrutiny committee taking a decision, courts would not be justified in substituting its views to that of the tender inviting authority. If such a course is adopted, then all the process, where tender is called for and which does not fall in favour of one of the person, who had submitted its bid, would be prone to attack on one ground or the other and the necessity and reason for calling for tender would get defeated. It is to be pointed out that when certain documents are mandated as necessary documents, which should accompany the tender, non-furnishing of the said documents would definitely invalidate the tender. As already pointed out above, by way of judicial review, the court shall not



interfere with the orders of the administrative authorities by substituting its view and it is within the realm of the Tender Evaluation Committee.

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9. Further, as pointed out by the Hon'ble Supreme Court in *Afcons Infrastructure Ltd. Vs Nagpur Metro Rail Corporation Ltd. (2016 (16) SCC 818)* has expounded that the decision making process in accepting or rejecting the bid should not be interfered with. The Hon'ble Supreme Court has further cautioned that Constitutional Courts are expected to exercise restraining in interfering with the administrative decision and ought not to substitute their view for that of the administrative authority. The Hon'ble Supreme Court has further emphasised that the author of the document is the best person to understand and appreciate its requirements.

10. On a careful consideration of the entire materials available on record, it is clear that the 1st respondent has considered the technical qualifications of the petitioner in line with the notice inviting tenders and also the materials placed before the Committee and for want of certain documents and due to nonfilling of certain particulars in the tender application, has rightly rejected the technical bid of the petitioner. Further, this Court keeping in mind the scope of the Court in the matter of judicial review of contracts sitting under Article 226 of the Constitution is not inclined to inject its view to that of the experts in the field as it is within the domain of the 1st respondent, and at the risk of repetition



it is to be stated that the authority, which has floated the tender and has authored the tender documents is the best Judge as to how the documents have to be interpreted.

11. For the reasons aforesaid, this petition is devoid of merits and, accordingly, the same is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

05-03-2026

dhk

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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