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WP No.33921 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

**W.P.No.33921 of 2025
and W.M.P.Nos.38054, 38055 and 38058 of 2025**

Advanced Sport Technologies LLP,
Represented by its Authorized Signatory,
E-42, 3rd Floor, Okhla Industrial Estate,
Phase – II, Okhla,
New Delhi 110 020

... Petitioner

Vs.

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. Tamil Nadu Police Housing Corporation Limited,
Represented by its Chairman and Managing Director,
No.132, EVR Salai, Kilpauk, Chennai 600 010.
3. The Chief Engineer,
Tamil Nadu Police Housing Corporation Limited,
No.132, EVR Salai,
Kilpauk, Chennai 600 010.
4. The Superintending Engineer,
Chennai Circle,
Tamil Nadu Police Housing Corporation Limited,
No.132, EVR Salai, Kilpauk, Chennai 600 010.



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5. M/s.Michezo Sports Infrastructure Pvt.Ltd.,
Old No.6, New No.11/4, Maanasa Apartments,
2nd Street, Nandanam Extension,
Chennai 600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records pertaining to the issuance of the summary of the e-tender technical bid opening SE/CC/DB/2685/2025 dated 22.08.2025 and the issuance of the summary of the e-tender price bid opening dated 26.08.2025 on the file of the 4th respondent and the consequential Appendix II C Notice in Lr.No. SE/CC/DB/2685/2025 dated 29.08.2025 issued by the 4th respondent and quash the same insofar as the 5th respondent herein and direct the 4th respondent to consider the representation dated 21.08.2025 and 25.08.2025 made by the petitioner and reject the tender of the 5th respondent as the same is in violation of the Pre -qualification requirements of the e-Tender Notice No. SE/CC-03/2025-26 dated 18.07.2025.

For Petitioner	:	Mr.Vijayamehanath M
For Respondent-1	:	Mr.V.Jeevagiridharan, Additional Government Pleader
For Respondents 2 and 4 :		Mr.S.Santhosh
For Respondent-5	:	Mr.Srinath Sridevan, Senior Counsel for Mr.V.Karthikeyan



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ORDER

This writ petition has been filed for the following relief:

“To issue a to issue a Writ of Certiorarified mandamus calling for the records pertaining to the issuance of the summary of the e-tender technical bid opening SE/CC/DB/2685/2025 dated 22.08.2025 and the issuance of the summary of the e-tender price bid opening dated 26.08.2025 on the file of the 4th respondent and the consequential Appendix II C Notice in Lr.No. SE/CC/DB/2685/2025 dated 29.08.2025 issued by the 4th respondent and quash the same insofar as the 5th respondent herein and direct the 4th respondent to consider the representation dated 21.08.2025 and 25.08.2025 made by the petitioner and reject the tender of the 5th respondent as the same is in violation of the Pre-qualification requirements of the e-Tender Notice No. SE/CC-03/2025-26 dated 18.07.2025.

2. The short facts which have led to the filing of the above writ petition are as follows:

(i) The petitioner would submit that they are a premier government contractor engaged in supplying and laying synthetic sports surfaces and



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executing related projects across India. The petitioner would submit that they are the exclusive representative of Polytan / Sport Group, Germany and other world renowned brands. They have industry experience of over 11 years and have successfully executed over 100 projects including the installation of the Hockey Pitches for the FIH World Cup 2018 and 2023 in Odisha and FIH Men Champion Trophy Project at Egmore Stadium, Chennai, the Olympic Standard Synthetic Track at Jawaharlal Nehru Stadium, New Delhi. They have also been appointed as a Certified Field Builder by FIH (Federation Internationale de Hockey) in India.

(ii) The petitioner has introduced cutting edge SmartTrack technology in athletic tracks to enhance athlete training through scientific approaches and has also offered LED Sports Lighting Systems. They have developed many design concepts with their international partners based on internationally accepted practices.

(iii) The 2nd respondent, through the 4th respondent, had issued a tender notification for the construction of “Modern Sports Facilities for holding High Jump and Throwing Events, Synthetic Track at Rajarathinam Stadium, Egmore, Chennai” dated 01.07.2025. The value of the tender was



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12 crores. Thereafter, on 08.07.2025, a corrigendum was issued to the above tender notice, followed by a second corrigendum on 18.07.2025. The tender documents were made available to the prospective tenderers on 18.07.2025. The last date for submission of the bids was on 04.08.2025 and the bids were to be opened on 06.08.2025. The tenderers were required to submit an EMD for a sum of Rs.7,18,100/- along with Rs.11,800/- towards the non-refundable tender processing fee.

(iv) As per the terms of the tender, a tenderer has to comply with the pre-qualification tender schedule containing the terms and conditions, and the documents specified under Clause II of the 2nd corrigendum-2 in Cover A. The petitioner had submitted its tender on 04.08.2025 fully complying with the conditions stipulated in Cover A as per Corrigendum-2. On 06.08.2025, the bids was opened and the results were published only on 22.08.2025, wherein the tenderers were accepted by the Tender Inviting Authority. These included the petitioner, 5th respondent and two others.

(v) The petitioner would submit that the documents submitted by all bidders were uploaded from which it was evident that the 5th respondent had not qualified as per the pre-qualification criteria. Thereafter, the petitioner,



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taking note of the above, had compared it with the particulars to be furnished by the tenderer as per Clause No.XVII of Corrigendum-2. This revealed that the 5th respondent had not executed any World Athletes Class-2 Certified Synthetic Athletic Track project as a prime contractor but had only acted as a sub-contractor, That apart, the certificate from the primary contractor had not been received. The experience certificates were not issued by the main user but were issued only by the main contractor. That apart, all the documents that were required had not been uploaded at the time of the submission of the bid. Despite these glaring omissions, the 5th respondent's technical bid was accepted and ultimately, they were declared as L1. Challenging the same, the petitioner has filed the above writ petition.

3. The 4th respondent had filed a counter *inter-alia* contending that the petitioner, though qualified, is not the lowest tenderer and that there is a difference of over two crores between the quote of the successful tenderer, namely the 5th respondent and the petitioner. In the 2nd corrigendum, the condition that the work executed by a sub-contractor would not be considered had been given a go-by in order to make the process more competitive. They would further contend that the allegation of the petitioner that the 5th respondent had laid tracks of substandard quality has been



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refuted by the 4th respondent by producing certificates from the World Athletics for three places, namely 1, Salem, Tamil Nadu 2) Wahiajer (Meghalaya) and 3) Tura (Meghalaya). They would further submit that online proof of the same has also been produced. As far as they are concerned, a certificate from World Athletics, originally known as the International Association of Athletics Federation, holds the benchmark in the field. They would state that an appeal provision is available to the petitioner and therefore, the writ petition is not maintainable.

4. The 5th respondent had filed a counter affidavit contending that the writ petition is an abuse of process of law and that the Hon'ble Supreme Court had time and again held that the Courts should not interfere with the tender process. It is their contention that the writ petition has been filed out of spite and is a frivolous one. They would contend that the term "Contractor" has been expanded to include sub-contractors by the Tender Inviting Authority. The 5th respondent has produced certificates issued by the World Athletics relating to synthetic track projects. This certificate had been obtained by the 5th respondent after the rigorous inspection and confirming compliance with international standards, material quality and technical specifications. These certificates are globally recognized. The 5th



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respondent would submit the work experience certificates and corresponding

World Athletics certification had been uploaded along with the bids fully complying with the tender requirements. They would further submit that the 4th respondent had conducted the tender process in a fair and transparent manner and that his decision is binding and non re-viewable except through a statutory appeal. Therefore not only is the writ bereft of merits, but it is also not maintainable in the light of there being an alternate remedy. They would submit that all the documents had been submitted as directed. The 5th respondent, having complied with all the pre-qualification criteria, had been declared by the 4th respondent as the successful bidder. Therefore, the writ petition deserves to be dismissed.

5. The challenge to the bid is on the ground that the bid of the petitioner who had fulfilled the per-qualification criteria has been rejected and the 5th respondent who did not meet the per-qualification criteria has been declared the successful bidder. A perusal of the documents would reveal that a Tender Notice dated 01.07.2025 had been floated for and on behalf of the Tamil Nadu Police Housing Corporation Ltd. (TNPHC) from registered contractors in the TNPHC Ltd./ PWD for the construction of Modern Sports Facilities for holding High Jump and Throwing Events,

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Synthetic track at Rajarathinam Stadium, Egmore.

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6. The condition for the tender documents which engages the attention of this Court relates to Part-II of the aforesaid condition dealing with the documents that are asked to be uploaded in COVER A. Clause C (vii) therein would read as follows:

*“The performance Certificate in having Very Good / Good / satisfactorily executed and completed building works / related work. (The completed value including taxes / GST shall be more than 50% of the proposed contract value in a single contract or in two contracts) directly issued by the concerned organization during past five years, i.e., **the works executed under sub-contract will not be considered for this purpose.** The evidence for the same should be produced from an officer not less than the rank of the Executive Engineer or equivalent rank / agreement executing authority of the Government or Government undertakings, responsible person of the Private organization. In case, the contractors who have executed works in TNPHC Ltd.,*



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the satisfactory performance certificate in the prescribed format from the authority not lower than rank of Executive Engineer concerned of TNPHC Ltd., should be furnished. Otherwise the tender will be summarily rejected as per the TT act rule 28 of 2000.

Credentials of the tenderer(s) for the works executed by him / them in the past 5 years supported by certificate issued by the authority not lower than the rank of Executive Engineer / Agreement Executing Authority. The date of completion of the works stated in the experience certificate should be within the past 5 years prior to the date of tender.”

7. The checklist appended to the instructions to Bidders for online submission in respect of the COVER would reiterate the above in the checklist number 3.16 as follows:

“3.16) The brand / product offered by the bidder must



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*have been installed in at least five (5) World Athletics (formerly International Association of Athletics Federations (IAAF)) Class – 2 / Class – 1 Certificate Synthetic Track projects, including sub-base work, **by the bidder as the prime contractor in India within the last five years, for any Government Department / Private Organisation. (Work experience certificate and the corresponding Class – 2 / Class – 1 Certification must be submitted with the bid) and TDS for Private works.***”

8. The PQ Evaluation condition number 24 would caution the tenderers that they will not be permitted to produce/submit any documents after opening/ during opening of tender. The clause reads as follows:

“24. The tenderers are not permitted to produce / submit any documents after opening / during opening of tender. (i.e. the tenders along with the supporting documents received through on-line alone will be taken into account for processing of the e-tender).”



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9. Thereafter, the 2nd respondent had issued the 1st Corrigendum on 08.07.2025. Clause (vi) of the earlier Tender (Clause vii now) was verbatim a repetition of Clause (vi) of the earlier conditions. This was followed by 2nd Corrigendum on 18.07.2025 in which the words (*i.e. the works executed under sub contract or in two contracts*) had been deleted thereby opening the field for Sub-Contractors as well. The date for uploading the tender started on 18.07.2025 at 12 noon (the date of the 2nd corrigendum) and ended at 04.08.2025 at 6pm. The date of opening the bid was fixed on 06.08.2025.

10. It has been admitted by the learned counsel appearing for the respondents 2 to 4 that there are no documents or minutes to show the reasons for issuing the two corrigendums dated 08.07.2025 and 18.07.2025. The reason for including the sub-contractors have also not been clarified by the respondents. Although a statement is made that it was only to enhance competition it appears that, apart from the 5th respondent, the other players are prime contractors, and this speaks volumes about the 2nd corrigendum.



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11. The results have been published on 22.08.2025, wherein besides the petitioner and the 5th respondent, the technical bids of two others were also admitted. It thereafter transpires that the price bid was opened on 25.08.2025 and the 5th respondent was declared as the lowest tenderer and the work order was issued on 29.08.2025. It appears that between the date of the 2nd corrigendum on 18.07.2025 and the opening of the bid on 22.08.2025, the 4th respondent addressed a letter to the 3rd respondent requesting permission to call the three tenderers namely the 5th respondent and two other tenderers to submit documents which are required to process the PQ tender if it is available with them. This request has been acceded to by the 3rd respondent vide communication dated 19.08.2025 wherein the 4th respondent was requested to take swift action to ask the bidder to submit the requisite documents. This request did not meet the pre-qualification criteria. Therefore, despite the terms of Tender clause-24 extracted supra stating that no documents would be entertained after submission of the bid, the respondents made an exception and called for the documents from the 5th respondent and two others. After these documents had been uploaded, it appears that the technical bid were scrutinized by the Tender Committee and the results were announced on 22.08.2025.



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12. From a reading of Clause-(vii) of the conditions of the tender documents, the stipulation with reference to the performance certificate, prior to the deletion of the words “Sub-Contractor will not be considered”, when examined in detail prescribe the following:

(i) The certificate should be graded very good /good/satisfactory for executed and completed building work/related work.

(ii) The completed value of the work including taxes/GST shall be more than 50% of the proposed contractor value, either in a single contract or in two contracts.

(iii) Such certificate should be directly issued by the concerned organization during the past 5 years.

(iv) Work executed by Sub contractor will not be considered (this clause criteria has since been deleted by the 2nd corrigendum dated 18.07.2025)

(v) Evidence of execution of the works should be produced from an Officer not below the rank of the Executive Engineer or equivalent rank / Agreement Executing Authority of the Government or Government



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undertaking or a responsible person of a private organization.

(vi) If the contractor had executed the work for TNPHC Ltd., a satisfactory performance certificate in the prescribed format from the authority not lower than the rank of Executive Engineer should be furnished.

13. Therefore, from a reading of the above, it is clear that the performance certificate relating to the completed building work/related work with grading as very good/good/satisfactory for executed and completed work should be issued by the concerned organization for whom the work has been done within the past five years. Such a certificate, in the case of such contractors, can be authenticated by any of the Officers mentioned therein or by a responsible person of the private organization.

14. Admittedly, this certificate has not been submitted by the 5th respondent on the date of the submission of the tender, but the same has been produced pending the writ petition. Although Clause (vii) relating to the performance certificate had been amended to include sub-contractor, however, in the checklist for uploading / On-line submission, one of the



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checklist with reference to Cover – A is the certificate by the bidder as a prime contractor in India within the last five years for any Government Department / Private Organization as set out in Clause 3.16 therein. Clause 3.16 and the checklist have not been amended. The Clause would further read that the work experience certificate and the corresponding clause-2 and clause-1 certifications must be submitted along with the bid. This has not happened in the case of the petitioner. These documents have all been submitted after the price bid was confirmed in favour of the 5th respondent, as is evident from the documents produced on the side of the respondents 2 to 4 at Sl.Nos.6 to 8 which are all dated after the award of the work order to the respondents. There is no explanation as to why such special treatment had been extended to the 5th respondent and the anxiety of the 2nd respondent to confirm the bid in favour of the 5th respondent, despite the fact that the primary documents that are required to be submitted along with the tender documents had not been submitted by them. The special favour shown to the 5th respondent is evident from the 2nd corrigendum, the request of the 4th respondent to the 3rd respondent to permit the bidders including the 5th respondent to submit further documents and the awarding of the contract without there been any proof from that the contractor under whom the petitioner claims to have worked had actually been awarded the work by the

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entity demanding the work concerned namely the State of Mehalaya and Periyar University. The entire tender Awarding procedure is totally flawed and arbitrary and the same is writ large with favoritism and arbitrariness. Consequently, the writ petition is allowed and the award of tender to the 5th respondent is quashed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Speaking Order : Yes / No

srn

To

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The Chairman and Managing Director,
Tamil Nadu Police Housing Corporation Limited,
No.132, EVR Salai, Kilpauk, Chennai 600 010.
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Tamil Nadu Police Housing Corporation Limited,
No.132, EVR Salai, Kilpauk, Chennai 600 010.
4. The Superintending Engineer,
Chennai Circle,

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Tamil Nadu Police Housing Corporation Limited,
No.132, EVR Salai,
Kilpauk, Chennai 600 010.



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srn

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W.M.P.Nos.38054, 38055 and 38058 of 2025**

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