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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

WA.(MD)Nos.259 to 264 & 197 of 2026

and

CMP.(MD)Nos.2786, 2787, 2788, 2789, 2790, 2791 & 2089 of 2026

Karungappan and Co
Represented by Karungappan (Partner)
No.79
Kannathasan Nagar
Muthuramalinga Nagar
Karaikudii - 630 001.

... Appellant in all W.As.

Vs.

1.The Joint Director / Project Director
District Rural Development Agency (DRDA)
Aranthangi Panchayat Union
Pudukkottai District.

2.The District Collector / Chairman
Rural Development and Panchayat Raj Department
Pudukkottai District.

3.The Executive Engineer (Rural Development)
Rural Development and Panchayat Raj Department
Pudukkottai District.

4.The Assistant Project Officer
Rural Development and Panchayat Raj Department
Pudukkottai District.

... Respondents 1 to 4 in all W.As.



5.B.Mohanraj

... 5th Respondent in WA.(MD)Nos.259, 261 & 263 of 2026

6.I.Rayar

... 5th Respondent in WA.(MD)Nos.260 & 197 of 2026

7.7 Star Constructions,
Represented by its Proprietor,
P.S.Raju, S/o.Subramanian,
Door No.42, Thiruvallvuar Nagar,
Fourth Street,
Pudukkottai South Village,
Pudukkottai District.

... 5th Respondent in WA.(MD)Nos.262, 264 of 2026

PRAYER:- Writ Appeals filed under Clause-15 of the Letters Patent, to set aside the order dated 12.02.2026 in WP.(MD)Nos.31177, 29540, 31178, 31176, 31179, 31175 and 29467 of 2025 and allow these writ appeals.

For Appellant : Mr.K.Chellapandian,
Senior Counsel
for Mr.S.Bageerathan

For R1 to R4 : Mr.Veerakathiravan,
Additional Advocate General,
Assisted by
Mr.S.P.Maharajan,
Special Government Pleader

For R5 : Mr.S.Kumar
(in WA.(MD)Nos.259, 261 & 263 of 2026)

For R5 : Mr.A.K.Baskara Pandian
(in WA.(MD)Nos.197, 260 & 263 of 2026)

For R5 : Mr.M.Muthugeethaiyan
(in WA.(MD)Nos.262 & 264 of 2026)



COMMON JUDGMENT

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(Common Judgment of the Court was made by **M.JOTHIRAMAN, J.**)

Under assail is the order passed in WP.(MD)Nos.31177, 29540, 31178, 31176, 31179, 31175 and 29467 of 2025 dated 12.02.2026.

2.The appellant herein is the writ petitioner/Class-1A contractor has challenged the rejection of technical bid dated 11.10.2025 with regard to the seven packages. It is the case of the writ petitioner that the first respondent/The Joint Director / Project Director, District Rural Development Agency (DRDA), Aranthangi Panchayat Union, Pudukkottai District had invited E-bid for construction of 132 houses for Sri Lankan refugees for 2025-2026 under two cover system for seven packages. The notification was issued on 19.09.2025. The last date for online submission of tender was fixed on 03.10.2025, at 03.00 pm. The date and time for opening of the online tender was fixed at 05.00 pm, on 03.10.2025. The writ petitioner had submitted the tender for all seven packages. The tender bids were opened on 03.10.2025. After evaluation, the technical bids of the writ petitioner for all the seven packages were rejected under seven separate impugned orders, on 11.10.2025. The price



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bid of the fifth respondent in all writ petitions has been accepted on 11.10.2025. Hence, the writ petitions were filed.

3.The learned Writ Court, dismissed all the writ petitions by a common order dated 12.02.2026 on the ground that the technical bid was not even subjected to evaluation in view of non-filing of physical document as contemplated under Clause 9.3 of the tender document and therefore, the authorities have declared that the technical bid of the writ petitioner as non-responsive.

4.The learned Senior Counsel appearing for the appellant would submit that the first respondent invited E-tender for construction of combined house in Aranthangi Panchayat Union. The tender stipulated two cover system, requiring bidders to submit their technical qualifications and financial bids in separate sealed covers. The bid submission window was open from 22.09.2025 10.00 am to 03.10.2025 03.00 pm. The writ petitioner submitted his bid online on 03.10.2025 at 12.19 pm and the portal generated a bid acknowledgment at 12.20 pm confirming successful submission. The writ petitioner quoted a total bid amount of Rs.1,31,35,274.78/-. The system recorded the bid and the writ



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petitioner also uploaded a comprehensive set of documents. On 11.10.2025, at about 05.45 pm, the writ petitioner found from the e-Procurement portal that his bid status was shown as “Rejected-Technical” with no reason assigned.

5.He would further submits that the impugned rejection order is completely unreasoned and non-speaking order. No document or evaluation sheet was uploaded to justify the rejection and no notice, deficiency intimation or opportunity to clarify any alleged defect in the technical documents was given to the writ petitioner, before opening of financial bid at 05.30pm. The rejection order was posted on the portal at 05.00 pm. The financial bid opening date for the qualified bidders was scheduled for the very same day at 05.30 pm. It is practically impossible for the writ petitioner to seek clarification or protest the decision. The impugned rejection order passed by the first respondent violates the Tamil Nadu Transparency of Tenders Act, 1998 and Rules 2000. The writ petitioner submitted physical cover on 04.10.2025, but the respondents checked the physical cover only on 11.10.2025 and wantonly rejected the bid on 11.10.2025 claiming the physical copy of that one specific page /Annuxre F was missing. The writ petitioner's bid



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was rejected solely for the alleged non-submission of a physical duplicate of Annexure F. the respondents rushed to open the financial bids within span time of rejection order, illegally bypassing the mandatory 5-Day appeal period as mentioned in Clause 20.6 of the tender document.

6.The learned Senior Counsel would further submit that the learned Writ Court erroneously held that 5-Days cooling period as mandated under Clause 20.6 does not apply. The learned Writ Court treated the alleged non-submission as material deviation, without considering the curing provisions. The writ petitioner submitted physical cover on 04.10.2025 containing all the documents and the respondents admitted to open only on 11.10.2025. Therefore, the respondents failed to explain as to why the cover kept in their exclusive custody for 7 days without processing. The order of the learned Writ Court is erroneous, un-sustainable both in law and facts and deserves to be set aside.

7.The learned Additional Advocate General appearing for the official respondents would submit that though Annexure F was uploaded, the original affidavit was not at all presented before the authority. The technical bid was opened on 03.10.2025 and an



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intimation was sent to all the tenders, who were submitted their bids.

Only for evaluating the same, the authorities have taken a week's time and the evaluation report was published on 11.10.2025. Therefore, after opening of the technical bid, the writ petitioner had five days time to raise his complaint. However, he has not raised any complaint whatsoever. Hence, the price bid was opened on 11.10.2025. As per Clause 20.5 evaluation can be completed within a period of five working days from the date of bid opening. The learned Additional Advocate General would further submit that as per Clause 9.3 the original affidavit in Annexure F has to be submitted not later than two working days after opening of Part I of the bid, failing which, the bids will be declared as non-responsive. As per Clause 23.3 when the bid is not substantially responsive, it has to be rejected by the employer and they may not subsequently be made responsive by correction or withdrawal of non-conforming deviation. To strengthen his contention, the learned Additional Advocate General has relied upon the decision of the Hon'ble Supreme Court reported in (2022) 6 SCC 127, N.G.Projects Limited Vs. Vinod Kumar Jain and others to show that the Writ Court should refrain itself from imposing its decision over the decision of the employer as to whether or not to accept the bid of a tenderer and the Court does not have



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the expertise to examine the terms and conditions of the present- day economic activities of the State and this limitation should be kept in view. Courts should be even more reluctant in interfering with contracts involving technical issues as there is a requirement of the necessary expertise to adjudicate upon such issues”.

8.The learned counsel appearing for the fifth respondent submits that the technical bid of the writ petitioner declared to be non-responsive and not rejected. The rejection order can be passed only after evaluation. Therefore, the authorities have rightly held that in view of the non submission of the mandatory documents, without even evaluating the tender, the same has been declared as non-responsive. Non-filing of a particular document cannot be rectified and therefore, the petitioner's bid document was declared as non responsive.

9.In response to the above submission, the learned Senior Counsel appearing for the appellant would submit that as per Clause 23.2 of the tender document, only if the deviation is substantial in nature, that would affect the quality or performance, the tender document can be declared as non-responsive. Otherwise, the writ petitioner should have



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been called upon by the Tender Inviting Authority to produce the documents. Though Annexure F was uploaded and submitted in original, the same has not been considered.

10. We have considered the submissions made on either side and perused the records carefully.

11. It is seen from the records that the first respondent invited E-tender bid for construction of 132 houses for Sri Lankan refugees in Aranthangi Panchayat Union for 2025-2026 under two cover system for seven packages. The notification was issued on 19.09.2025. The last date for online submission of tender was fixed on 03.10.2025, at 03.00 pm. The date and time for opening of the online tender was fixed at 05.00 pm, on 03.10.2025.

12. The main contention of the appellant is that as per Clause 23.2 of tender document, the tender document can be rejected only if there is a material deviation or reservation which would affect the scope, quality or performance of the works on which limits in any substantial way, inconsistent with the bid documents. The rejection of bid of the



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appellant without assigning any reason whatsoever is clearly in violation of Clause 23.2. It is also contented that as per Clause 20.5 and 20.6 of the tender document the evaluation can be completed within a period of five working days from the date of bid opening.

13. At this juncture, it is relevant to refer the following Clauses of the tender document:-

9.1 Part I This shall be named Technical Qualification Part of Bid and shall comprise of:

i). Scanned copies of the following documents shall be uploaded on the website www.tntenders.gov.in at the appropriate places.

- 1. Online copy of Earnest Money Deposit*
- 2. Copy of PAN card issued by Income Tax Authorities*
- 3. Contractor Registration certificate and Live certificate*
- 4. Evidence of access to line of credit*
- 5. Annual Turnover Certificate from chartered Accountant for last five financial years forms with breakup of civil works and total works in each financial year*
- 6. Affidavit regarding correctness of certificates*
- 7. List of Similar nature of works executed*
- 8. List of Works in hand*
- 9. List of Machineries owned/brought on hire*



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9.3 Submission of Original documents:

a. The bidders are required to submit, (i) online copy of EMD (as mentioned in above clause 6.2) towards the cost submit, (i) online, composit (ii) original affidavit regarding correctness of information furnished with bid document. These documents should reach, the DRDA, Pudukkottai on a date not later than two working days after the opening of technical qualification part I of the Bid, either by registered post or by hand, failing which the bids will be declared as non-responsive.

20.5.Evaluation of Part I of bids with respect to bid security, qualification Information and other information furnished in Part I of the bid in pursuant to Clause 9, shall be taken up and completed within five working days of the date of bid opening, and a list will be drawn up of the qualified bidders whose Part II of bids will be eligible for opening.

20.6 The result of evaluation of Part I of the Bids shall be made public on e-procurement following which there will be a period of 5 working days during which any bidder may submit complaint which shall be considered for resolution before



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opening of Part II of the bid. Any complaint shall be dealt with in accordance with complaint handling protocol as available on the e-procurement portal, www.tntenders.gov.in.

23.2 A substantially responsive bid is one which conforms to all the terms, conditions, and specifications of the bidding documents, without material deviation or reservation. A material deviation or reservation is one (a) which affects in any substantial way the scope, quality, or performance of the Works; (b) which limits in any substantial way, inconsistent with the bidding documents, the Employer's rights or the Bidder's obligations under the Contract; or (c) whose rectification would affect unfairly the competitive position of other bidders presenting substantially responsive bids.

23.3 If a bid is not substantially responsive, it will be rejected by the Employer, and may not subsequently be made responsive by correction or withdrawal of the nonconforming deviation or reservation.

14.As per Clause 9.1 of the tender document, nine documents have to be scanned and has to be uploaded along with technical bid. It is to be noted that one of the document is affidavit regarding correctness of



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certificate. As per Clause 9.3 some of the original documents have to be submitted on the date not later than two working days before opening of the technical bid, either by registered post or by hand, failing which the bids will be decided as non-responsive.

15. According to the learned Additional Advocate General, the appellant had submitted a cover containing certain documents, on 04.10.2025. It did not contain Annexure F and therefore, the technical bid of the appellant was rejected, without subjecting the same for evaluation. In this regard, relying upon the counter affidavit filed by the respondents and the rejoinder affidavit filed by the writ petitioner, the learned Writ Court held that the writ petitioner has not submitted the physical copy of the Annexure F, within two days from the date of opening of the bid as contemplated under Clause 9.3 of the tender document. As per the said Clause, if any original document is not submitted in physical format, the bid has to be declared non-responsive.

16. In the case on hand, the technical bid was not even subjected for evaluation, in view of the non-filing of the physical document as contemplated in Clause 9.3 of the tender document. Though



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the writ petitioner contended that if the result of evaluation of the physical bid published, they have to wait for five working days before opening the price bid. The said contention can be raised only if the technical bid is subjected for evaluation. Further, the respondents have invoked the Clause 23.3 and they have rejected the technical bid. As per Clause 9.3 of the tender document, the technical bid was not even subjected for evaluation. Therefore, the authorities have declared that the technical bid of the writ petition as non-responsive. Therefore, the writ petitioner cannot expect to invoke Clause 20.6 and expect the authorities to wait five more days before opening the bid from the date of evaluation of the technical bid.

17.It is pertinent to mention that the learned Writ Court called for the original tender document submitted by the writ petitioner and found that the physical copy of Annexure F has not been submitted. The learned Writ Court also held that the tender document submitted by the writ petitioner reveals that he has submitted only Annexure G in physical format and not enclosed Annexure F.

18.In view of the above discussions, we are of the view that the



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Tender Accepting Authority has rightly declared the bid submitted by the writ petitioner for all 7 packages as non-responsive by invoking Clause 9.3 of tender document, in view of the non-filing of the physical copy of Annexure F, which is mandatory document. There is no infirmity in the order passed by the learned Writ Court and there is no merits in these writ appeals. Accordingly, all the writ appeals are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[N.S.K., J.] & [M.J.R., J.]
25.03.2026

Index :Yes/No
Internet :Yes
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To

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- 1.The Joint Director / Project Director
District Rural Development Agency (DRDA)
Aranthangi Panchayat Union
Pudukkottai District.
- 2.The District Collector / Chairman
Rural Development and Panchayat Raj Department
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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WA.(MD)Nos.259 to 264 &
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