BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 18.12.2025

Pronounced on : 08.01.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.27794 and 29548 of 2025
and
W.M.P(MD)Nos.21572, 21573, 21576, 22858, 22860 to 22862 of 2025

W.P.(MD)No.27794 of 2025

M/s.Megala Construction,
Rep. by Managing Partner,
P.V.Mathivanan ... Petitioner

Vs.

1. The Superintending Engineer,
(Highways Department), NABARD and Rural Roads,
Tiruchirappalli.

2. The Divisional Engineer (Highways Department),
NABARD and Rural Roads,
Pudukkottai

3. Dharmaraj,
The Superintending Engineer (Highways Department),
NABARD and Rural Road,
Tiruchirappalli.

4. Srinivasan,
The Divisional Engineer (Highways Department),
NABARD and Rural Road,
Pudukkottai. ...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus thereby call for the records of the 2nd respondent in Letter No.478/JDO/2025 dated 30.09.2025 and quash the same as illegal and arbitrary and in consequence thereof direct the 1st respondent to consider the bid submitted by the petitioner for the works covered in Sl No.1-TRY-62, Sl.No.2-TRY-63 and Sl.No.3-TRY-66 of the tender Notice No. 32/2025-26/SDO and declare him as eligible to participate in the tender process.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mrs.D.Farjana Ghoushia
Special Government Pleader
for R1 and R2
Mr.G.Prabhu Rajadurai
for Mr.K.Jeyamohan for R3 and R4

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W.P.(MD)No.29548 of 2025

M/s.Megala Construction,
Rep. by Managing Partner,
M.Vetriselvan ... Petitioner

Vs.

1. The Superintending Engineer,
(Highways Department), NABARD and Rural Roads,
Tiruchirappalli.

2. The Divisional Engineer (Highways Department),
NABARD and Rural Roads,
Pudukkottai.

3. Dharmaraj,
The Superintending Engineer (Highways Department),
NABARD and Rural Road,
Tiruchirappalli.

4. Srinivasan,
The Divisional Engineer (Highways Department),
NABARD and Rural Road,
Pudukkottai. ...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of CERTIORARIFIED MANDAMUS thereby call for the records relating to the impugned order of rejecting the petitioner's bid submitted by online by the 1st respondent on 08.10.2025 at 05.08 p.m., 05.25 p.m, 05.34 pm. and quash the same as illegal and arbitrary and in consequence thereof declare the bid submitted by the petitioner as eligible to participate in the tender without production of Site Visit Certificate and Working Condition of Plant and Machineries from the 2nd respondent and further direct the 1st respondent to finalize the tender process in accordance with regard to the work covered in Sl.Nos.1,2,5 of the tender Notice No.32/2025-26/SDO issued by the 1st respondent.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mr.M.Senthil Ayyanar
Government Advocate
for R1 and R2
Mr.G.Prabhu Rajadurai
for Mr.K.Jeyamohan for R3 & R4

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COMMON ORDER

These writ petitions have been filed challenging the order passed by the first respondent herein on 30.09.2025 wherein the request of the petitioner for issuance of the working condition of plants and machineries certificate was rejected and consequently, the bid submitted by the writ petitioner was rejected.

2. The first respondent herein had issued tender notice No. 32/2025-26/SDO, dated 15.09.2025 inviting percentage bids under two cover system through online for TPY-62 to TRY-69. As per the tender conditions, the petitioner has to obtain the certificate relating to working condition of plants and machineries by making an application before the second respondent on or before 26.09.2025 and the last date for issuance of such certificate was fixed as 03.10.2025.

3. The petitioner herein had made an application on 24.09.2025 through e-mail seeking certificate. This request was rejected under the impugned order dated 30.09.2025.

Challenging the above said order, the present writ petitions have been filed.

<u>The submissions of the learned counsels appearing on either side are as follows:-</u>

1. The learned Counsel appearing for the petitioner further submits that as per annexure No.1 of both the tender notifications, a tenderer is expected to mandatorily have possession of 7 items of plants and equipments for this work. As per the annexure No.1, proof of ownership must be enclosed. According to the petitioner, for non-production of the documents with regard to the three machineries, certificate has been rejected. As far as the Central Hot Mix plant is concerned, he has produced a delivery challan. As far as static roller is concerned, he has produced a receipt from Diesel Spares Corporation dated 15.06.2001 which is a receipt issued for purchase of second hand road roller. According to him, the road roller does not require registration under the Motor Vehicles Act and the production of registration certificate would not arise. He further submits that other Contractors have also produced only such kind of receipts issued by the Sellers. The petitioner's firm has been discriminated and therefore, the request for issuance of certificate has been rejected only to favour another private individuals.

2.

5. The learned Counsel appearing for the petitioner further submits that as far as concrete mixture machine is concerned, he had produced a receipt issued by the Poorna Industries. He has also produced tax invoice from Ajax Fiori, dated 23.01.2018 with regard to the purchase of Agro Self Loading Concrete Mixture. According to him, he has produced R.C. book for the above said equipment. In such circumstances, the authorities have erroneously passed impugned order rejecting the request of the petitioner for issuance of the certificate. This has resulted in rejection of the bid submitted by the petitioner for TRY-64 and TPY-79. Hence, he prayed for setting aside the order of rejection dated 03.10.2025.

6. Per contra, the learned Additional Advocate General appearing for the respondents submitted that as per clause 2.5 of the tender document, the applicant should own or should have assured ownership to key items of equipment as per annexure No.1 in full working order and must demonstrate that based on known commitment, they will be available for use in the proposed contract. He also relied upon clause 5.9 to contend that the bidder shall furnish the registration number, engine number and make number of the tools and plants to be employed exclusively for his works. He also relied upon annexure 1

where the plants and machineries are specified. According to him, proof of ownership has to be enclosed as per annexure 1.

7. The learned Additional Advocate General appearing for the respondents 1 and 2 further submits that as far as the Central Hot Mix plant is concerned, they have only enclosed a delivery challan which cannot be considered to be a valid proof of ownership. He further submits that the petitioner has not produced tax invoice, which alone would establish the ownership of the said machinery. He further submits that the delivery challan would never be considered to be proof of ownership in view of the fact that in some cases, tax invoices are raised in favour of one person and the equipments are delivered to a different person. Therefore, the petitioner having not filed tax invoice, has not established his ownership over the Central Hot Mix plant.

8. The learned Additional Advocate General appearing for the respondents 1 and 2 further submits that as far as static road roller is concerned, the petitioner has just produced a document issued by the Diesel Spares Corporation for purchasing road roller under the second hand. It does not point out that whether it is a receipt or a bill. It also does not disclose the registration number. Therefore, the petitioner has not establish his ownership over the static road roller.

9. As far as concrete mixture machine is concerned, he submits that an unnamed and undated quotation from Poorna Industries has been produced which does not disclose the name of the petitioner or the firm at any place. It could not be found out whether it is a tax invoice or a bill. Therefore, the petitioner's firm, having not established the ownership over the three machineries, the order impugned in the writ petition came to be passed.

10. The learned Additional Advocate General appearing for the respondents 1 and 2 further submits that the order of rejection has been passed on 03.10.2025 itself and only a true copy of the same was signed by the Senior Draughting Officer on 08.10.2025 while submitting a status report before the High Court. Therefore, the contention of the writ petitioner that the rejection order was signed only on 08.10.2025 is only imaginary. He further submits that the petitioner is a Class-1 Contractor and also he is very well aware of the procedure to be followed while enclosing the certificates in proof of the ownership of the plants and machineries. When the petitioner has not produced the documents in proof of ownership to three plants and machineries, the certificate was rightly rejected by the concerned authority. Once the certificate is rejected, it is nothing but consequential that the bids submitted by the

petitioner's firm are also rejected on the ground of non-production of certificates. Hence, he prayed for dismissal of the writ petition.

11. I have carefully considered the submission made on either side and perused the materials available on record.

12. The Counsels appearing on either side made submission with regard to the eligibility of the writ petitioner's firm to get a certificate relating to the working condition of plants and machineries. Rejection of the said certificate is challenged in W.P(MD)No.27794 of 2025. Consequential to the rejection of the certificate, the technical bid of the writ petitioner has been rejected on 08.10.2025 which is under challenge in W.P(MD)No.29548 of 2025.

13. A perusal of the order impugned in W.P(MD)No.27794 of 2025 reveals that the reason for rejection of the request for issuance of certificate which is extracted as follows:-

> *"A preliminary desk verification of your submitted documents we conducted to check for compliance with the above requirements. Your application was found to be incomplete and non-compliant for the following specific items:*
>
> *1. For Sl.No.1(Central Hot Mix Plant): You have enclosed only a delivery challan. This is not considered valid proof of ownership. A proper tax invoice is required.*

> *2. For Sl.No.4(Static Roller): No supporting document (invoice, etc.,) was enclosed for this mandatory machinery.*
>
> *3. For Sl.No.6(Concrete Mixer Machine): The enclosed document is an unnamed and undated quotation. A quotation is not proof of possession; it is merely an offer to sell. A valid tax invoice.*
>
> *Due to the failure to provide the mandatory documentary evidence for the machineries listed above, your application is deemed non-compliant with the essential pre-qualification criteria."*

14. The authorities have pointed out that as far as the Central Hot Mix Plant is concerned, the petitioner has enclosed only a delivery challan which cannot be considered to be a valid proof of ownership. A perusal of the documents annexed to the typed set of paper reveal that the petitioner has produced only a delivery challan for Drum Mix plant from Apollo Earth Movers Limited which is not a second hand purchase. As per tender condition, documents should be enclosed to establish the proof of ownership.

15. As rightly contended by the learned Additional Advocate General, a delivery challan cannot be considered to be a valid proof of ownership, especially when the petitioner is said to have purchased a brand new equipment. Unless a tax invoice is produced, ownership of the equipment cannot be established.

16. As far as the deficiencies pointed out with regard to the static road roller are concerned, the petitioner has produced a document said to have issued by Diesel Spares Corporation. According to him, the road roller does not require any registration under the Motor Vehicles Act and therefore, he would not in a position to produce the registration certificate. He further points out that he had purchased a second hand equipment and hence he cannot produce a tax invoice also. In such circumstances, as far as the road roller is concerned, the contentions of the learned counsel appearing for the petitioner has to be accepted that he had produced the documents to establish his ownership over the said machineries.

17. As far the concrete machineries are concerned, the authorities in their impugned order have pointed out that the petitioner's firm has only enclosed an unnamed and undated quotation and it is merely offer to sell. It further points out that there is no valid tax invoices. A perusal of the records reveal that the petitioner has produced a document said to have been issued by Poorna Industries which is neither a tax invoice nor a delivery challan. The name of the petitioner or any one of their partner is not mentioned. The date is also not mentioned. However, the learned counsel appearing for the petitioner submits

that they have produced R.C.Book and tax invoice for self loading concrete mixture.

18. The learned Additional Advocate General appearing for the respondents 1 and 2 contended that as per tender notification, only a manual concrete mixture machine has been made as a mandate. However, the document produced by the petitioner relates to a different construction equipment which carries pre-mixture concrete instead of creating fresh concrete at the project site. Therefore, the submission of the respondent would make it clear that the petitioner has produced a tax invoice and a registration certificate with regard to the different construction equipment than what was mandated in the tender notification.

19. In view of the discussions, it is clear that the petitioner has not produced any documents to establish his ownership over the Central Hot Mix Plant and concrete mixture machine as mandated in the tender specification. Acceptance of the tender by a different authority would not necessarily mean that the present tender could also to be accepted. The petitioner may possess relevant equipment machineries along with the documents. If he had not produced the documents in proof of his ownership in any particular tender,

tender would get rejected. Therefore, the petitioner cannot rely upon acceptance of his tender by other tender authorities.

20. In view of non-production of machinery certificate, the authorities have rightly rejected the technical bid submitted by the writ petitioner.

21. In view of the above said deliberations, there are no merits in the writ petition. Accordingly, these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

08.01.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

1. The Superintending Engineer, (Highways Department),
NABARD and Rural Roads,
Tiruchirappalli.

2. The Divisional Engineer (Highways Department),
NABARD and Rural Roads,
Pudukkottai

R.VIJAYAKUMAR, J.

RJR

Pre-delivery order made
in
W.P.(MD)Nos.27794 and 29548 of 2025

08.01.2026