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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.29451 to 29453 and 30377 of 2025

and

W.M.P(MD)Nos.22775 to 22777, 22779, 22773, 22787 to 22790, 23563 and 23561 of 2025

W.P.(MD)No.29451 of 2025

M/s. Megala Construction,
Represented by Managing Partner,
M.Vetriselvan

... Petitioner

Vs.

1. The Superintending Engineer,
(Highways), (Construction and Maintenance) Circle,
Thiruchirappalli.

2. The Divisional Engineer (Highways),
(Construction and Maintenance) Division,
Pudukkottai.

3. Illamvazhuthi,
The Superintending Engineer (Highways),
(Construction and Maintenance) Circle,
Thiruchirappalli.

4. Matheswaran,
The Divisional Engineer (Highways),
(Construction and Maintenance) Division,
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 05.48 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 process 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. No.3 of the tender notice No. 32/2025-26-HDO issued by the 1st respondent.

W.P.(MD)No.29452 of 2025

M/s. Megala Construction,
Represented by Managing Partner,
M.Vetriselvan

... Petitioner

Vs.

1. The Superintending Engineer,
(Highways), (Construction and Maintenance) Circle,
Thiruchirappalli.

2. The Divisional Engineer (Highways),
(Construction and Maintenance) Division,
Pudukkottai.

3. Illamvazhuthi,
The Superintending Engineer (Highways),
(Construction and Maintenance) Circle,
Thiruchirappalli.

4. Matheswaran,
The Divisional Engineer (Highways),
(Construction and Maintenance) Division,
Pudukkottai.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of CERTIORARI thereby call for the records relating to the impugned order passed by the 2nd respondent dated 03.10.2025 in R.C.No. 2101/JDO-1/2025 on 08.10.2025 and quash the same.

W.P.(MD)No.29453 of 2025

M/s. Megala Construction,
Represented by Managing Partner,
M.Vetriselvan

... Petitioner

Vs.

1. The Superintending Engineer,
(Highways), (Construction and Maintenance) Circle,
Thiruchirappalli.
2. The Divisional Engineer (Highways),
(Construction and Maintenance) Division,
Pudukkottai.
3. Illamvazhuthi,
The Superintending Engineer (Highways),
(Construction and Maintenance) Circle,
Thiruchirappalli.
4. Matheswaran,
The Divisional Engineer (Highways),
(Construction and Maintenance) Division,
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 05.51 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 process 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.No.1 of the tender notice No. 31/2025-2026/HDO, dated 02.09.2025 issued by the 1st respondent.

For Petitioner : Mr.P.Ganapathi Subramanian
(in WP(MD)Nos.29451 to 29453 of 2025)

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mr.B.Saravanan
Additional Government Pleader
for R1 and R2
Mr.G.Prabhu Rajadurai
for Mr.R.Maheeswaran
for R3 and R4
(in WP(MD)Nos.29451 to 29453 of 2025)

W.P.(MD)No.30377 of 2025

M/s. Megala Construction,
Represented by Managing Partner,
M.Vetriselvan

... Petitioner

Vs.

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



3. Illamvazhuthi,
The Superintending Engineer (Highways),
(Construction and Maintenance) Circle,
Thiruchirappalli.

4. Matheswaran,
The Divisional Engineer (Highways),
(Construction and Maintenance) Division,
Pudukkottai.

5.M.Murugesan

...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 bid opening of the 1st respondent dated 17.10.2025 at 10.26 am with regard to the work covered in Sl.No.3 Package TRY 79 of Tender Notice No. 32/2025-2026, Pudukkottai East Sub Division and quash the same as illegal and arbitrary and in consequence thereof direct the 1st respondent to open the price bid submitted by the petitioner and declare him as successful bidder for the above said tender process.

For Petitioner	:	Mr.P.Ganapathi Subramanian
For Respondents	:	Mr.Veera Kathiravan Additional Advocate General assisted by Mr.B.Saravanan Additional Government Pleader for R1 and R2 Mr.G.Prabhu Rajadurai for Mr.R.Maheeswaran for R3 and R4 Mr.M.Rajarajan for R5

* * * * *



COMMON ORDER

These writ petitions have been filed by one M/s.Megala Construction challenging the rejection of their request for issuance of certificate for participation in the tender process and the consequential orders passed in two sets of tender notification rejecting the bids submitted by the petitioner's firm.

2. The facts leading to the filing of these writ petitions are as follows:-

The petitioner's firm is a Class-1 Contractor registered in various Government Departments. According to them, they are having necessary man power and machineries to carry out the execution of works and they are having unblemished record of 35 years of experience in the construction field.

3. The Superintending Engineer, (Highways), (Construction and Maintenance), Circle, Tiruchirappalli, had issued two tender notifications on 02.09.2025 and on 03.09.2025 in tender notice No.31/2025-2026/HDO and tender notice No.32/2025-2026/HDO, respectively.

4. As per the tender notice No.31 dated 02.09.2025, bids were called for through online for 13 works namely, TRY 64 to TRY 76. As per the original tender notice, for tender notification No.31, the tender documents will be



available from 09.09.2025 and bids have to be submitted through online upto 29.09.2025 and they will be opened electronically on 29.09.2025 at about 12.30 hours. It was further informed that the tenderer should inspect the site of the proposed work and working conditions of the plants and machineries certificate should be obtained from the concerned Divisional Engineer(Highways) (Construction and Maintenance) and upload in the “work site inspection and plants and machineries certificate folder” in the portal, failing which the bids shall be summarily rejected.

5. The Tenderers were further informed that they should submit their application seeking certificate on or before 22.09.2025 at about 17.45 hours and the last date for issuance of such certificate was fixed on 26.09.2025 upto 17.45 hrs. It was further informed that any application for certificate received after 22.09.2025 at about 17.45 hrs will not be accepted.

6. As far as the tender notification No.32 is concerned, it is dated 03.09.2025. It was issued for TRY 77 to TRY 83. The last date for submission of the bid through online was fixed at 29.09.2025. The certificates have to be applied for on or before 22.09.2025 and the last date for issuance of the such certificate was fixed on 26.09.2025.



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7. As far as the tender notification No.32 is concerned, the last date was extended upto 07.10.2025. The petitioner's firm had submitted their application for issuance of work site inspection certificate and working condition of plants and machineries certificate on 18.09.2025 for issuance of site inspection as well as the working condition of plants and machineries certificate for TRY 64 under tender notice No.31 and TRY 79 for tender notice No.32. The petitioner's firm had filed W.P.(MD)No.27566 of 2025 seeking a mandamus to direct the Divisional Engineer(Highways),(Construction and Maintenance) Division, Pudukottai, to issue the certificate for their participation in TRY 64 for tender notice No.31. The writ petition was disposed of on 03.10.2025 recording the submission of the learned Additional Advocate General appearing for the respondents that the certificate will be issued to the petitioner on 03.10.2025 before 5.00 p.m.

8. A rejection order came to be passed by the official concerned rejecting the request of the petitioner's firm for issuance of these two certificates on 03.10.2025. Challenging the said rejection order, W.P.(MD)No.29452 of 2025 has been filed by the petitioner's firm.



9. Since certificate was rejected and it was not uploaded along with the bid, the technical bid of the petitioner's firm was rejected for tender notice No. 31, by an order dated 08.10.2025. This impugned order is challenged in W.P.(MD)No.29453 of 2025.

10. The petitioner's firm bid was also rejected for TRY 79 under tender notice No.32, by way of an order dated 08.10.2025, due to non-production of the two certificates. This order is put to challenge in W.P.(MD)No.29451 of 2025.

11. After rejecting the technical bid of the petitioner's firm on 08.10.2025 and 17.10.2025, the price bid of one M.Murugesan(arrayed as the 5th respondent in W.P.(MD)No.30377 of 2025) was opened and he was declared as the successful bidder. This order is challenged in W.P.(MD)No.30377 of 2025.

12. The bid submitted by the petitioner's firm for TRJ-64 in tender notification No.31 and TRJ-79 for tender notification No.32. Both have been rejected primarily on the ground that the petitioner has not been able to get a



certificate relating to the working condition of plants and machineries. Since the facts in all these 4 writ petitions are interconnected, they are tagged together and the common order is being passed.

13. The entire fulcrum of the petitioner's case rests upon the certificate relating to working condition of plants and machineries and whether the petitioner's firm has established the ownership over the machineries catalogued in the tender notification. Therefore, W.P.(MD)No.29452 of 2025 is taken up for consideration at the first instance.

The submissions of the learned counsels appearing on either side are as follows:-

14. The learned Counsel appearing for the petitioner submits that when the petitioner's firm filed a writ petition seeking issuance of those certificates in W.P.(MD)No.27566 of 2025, the learned Additional Advocate General appearing for the respondents informed the Court that the concerned official has passed orders on 03.10.2025 accepting the petitioner's request and he had also ensured that the certificate will be issued to the petitioner on 03.10.2025 before 5.00 p.m. Only recording the said submission, the writ petition was disposed of on 03.10.2025. However, orders have been passed on the said date rejecting the



request of the writ petitioner on the ground that the documents submitted by the petitioner's firm are not in accordance with the tender conditions. Therefore, the respondents authorities have committed contempt of Court.

15. The learned Counsel appearing for the petitioner further submits that though the order is said to have been passed on 03.10.2025, it has been signed by the Senior Draughting Officer, only on 08.10.2025. This clearly indicate that the order was only passed on 08.10.2025 and it was ante-dated to 03.10.2025 to circumvent the contempt proceedings.

16. The learned Counsel appearing for the petitioner further submits that 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 works. 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, a 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 the 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.

17. The learned Counsel appearing for the petitioner further submits that as far as concrete mixture machine is concerned, he had also 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 also 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 the order of rejection dated 03.10.2025.

18. Per contra, the learned Additional Advocate General appearing for the respondents 1 and 2 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.

19. 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 equipment 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.



20. 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 paper issued by the Diesel Spares Corporation for purchasing road roller under second hand. It does not points out that whether it is a receipt or a bill. It also does not disclose the registration number. Therefore, the petitioner has not established his ownership over the static road roller.

21. 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.

22. 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 the certificates. Hence, he prayed for dismissal of the writ petition.

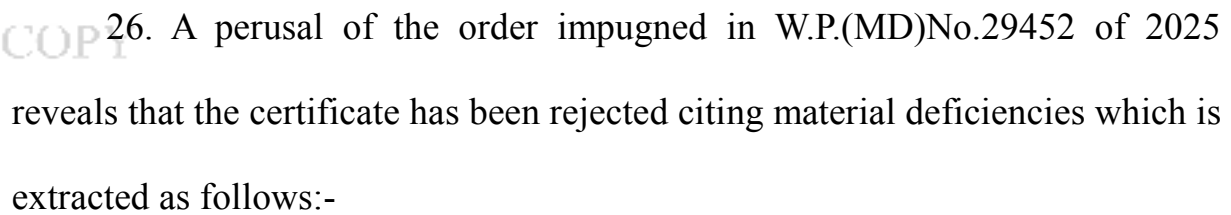
23. The learned Counsel appearing for the private respondent in W.P.(MD)No.30377 of 2025, who is a successful bidder submits that the tax invoice alone would prove the ownership of a particular machinery of equipment. He further submits that even though one person might have purchased the machinery, delivery may be made to some other person to enable them to take up the work at site. Therefore, a delivery challan can never be considered to be proof of ownership merely because it reveals payment of tax. He further submits that the mandatory requirement as sought for in the tender document is a static roller while the petitioner had produced some documents which relate to road roller. According to him, both the equipments are



completely different and therefore, the petitioner's firm has not satisfied the tender conditions. He further contends that when the petitioner was not able to get a certificate and his technical bid has been rejected on the said ground, opening of the price bid of the 5th respondent cannot be questioned by the writ petitioner. He submits that when the petitioner has not crossed the stage of pre-qualification to submit the technical bid, the petitioner cannot question the second stage of tender process. Hence, he prayed for dismissal of the writ petition.

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

25. The Counsels appearing on either side have addressed their submission with regard to the right of the writ petitioner to get working condition of plants and machineries certificate and the same has been challenged in W.P.(MD)No.29452 of 2025. These two certificates have been sought for by the petitioner for participation in notification No.31 dated 02.09.2025 and for tender notification No.32 dated 03.09.2025. Therefore, the consideration of the issue in W.P.(MD)No.29452 of 2025 would cover the issues raised in other writ petitions also.



“Central Hot Mix Plant Delivery Challan Submitted document is only a delivery challan which does not constitute proof of ownership. Mandatory requirement of legible tax invoice not fulfilled.

3. Concrete Mixer Machine Unnamed/Undated
Quotation is not proof of possession as it merely represents an offer to sell, not proof of purchase or ownership.”

“Major items of construction equipments for carrying out the contract in format prescribed in Annexure I. The bidders shall furnish the registration number, Engine number and make number of tools and plants to be employed exclusively for this work. The qualification and experience of key personnel proposed for the work, status and execution of the contract both in and off site in the format prescribed in Annexure-II.”

<https://www.mhc.tn.gov.in/judis>



to be enclosed. As per clause 5.9(b), the bidders have to furnish the registration number, engine number and make number of the tools and plants which are catalogued in annexure No.1. Now let us consider the certificates enclosed by the petitioner's firm with regard to three machineries for which deficiencies have been pointed out in the impugned order.

29. The authorities have pointed out that as far as Central Hot Mix plant machinery is concerned, only a delivery challan has been produced and therefore, it does not constitute proof of ownership. A perusal of the documents enclosed in the typed set of papers reveal that the petitioner has produced the delivery challan for Drum Mix Plant from Apollo Earth Movers Limited. It is not a second hand purchase. As per the tender conditions, the documents should be enclosed to establish proof of ownership. As rightly contended by the learned Counsel for the respondents, a delivery challan cannot be considered to be proof of ownership, especially when the petitioner is said to have purchased a brand new equipment.

30. As far as the deficiencies pointed out with regard to the static road roller is concerned, the petitioner has produced the documents said to have been issued by the Diesel Spares Corporation in his name. According to him, the road



roller does not require any registration under the Motor Vehicles Act and therefore, he would not be in a position to produce the registration certificate.

He further points out that it was purchased as a second hand and therefore, he cannot produce the tax invoice also. In such circumstances, as far as the road roller is concerned, the contention of the learned Counsel for the petitioner has to be accepted that he had produced the documents to establish his ownership over the said machinery.

31. As far as concrete mixture machine is concerned, the petitioner has produced some documents said to have been issued by one Poorna industries. It does not reveal the name of the petitioner's firm or any one of the partner's name. It is undated. It does not even mention that it is a delivery challan. It looks as if it is a quotation. Therefore, it is clear that the petitioner has not established his ownership over the said machinery and the contention of the learned Counsel for the respondents have to be accepted as far as this machinery is concerned.

32. In view of the above said deliberations, it is clear that the petitioner's firm has not established the ownership over the Central Hot Mix Plant and Concrete Mixture Machine and therefore, the authorities cannot be found fault



for rejecting the certificate relating to the working condition of plants and machineries. Therefore, the order impugned in W.P.(MD)No.29452 of 2025 does not call for any interference.

33. The above said certificates were sought for by the petitioner's firm for enclosing the same along with bids for tender notification No.31 for TRY-64 and tender notification No.32 for TRY-79. Since the certificates have been rejected, the bid for TRJ-64 has been rejected and the same is challenged in W.P.(MD)No.29453 of 2025.

34. Since the certificate has been rejected, the petitioner bid for TRY-79 by order dated 08.10.2025, has been rejected which is challenged in W.P. (MD)No.29451 of 2025. After rejecting the technical bid of the writ petitioner, the price bid of the private respondent, namely, Murugesan has been accepted. The acceptance of the price bid has been challenged in W.P.(MD)No.30377 of 2025. As far as challenge made to opening of price bid is concerned, the petitioner having not successful in the technical bid, cannot challenge the opening of the price bid and declaration of the private respondent as a successful bidder.



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35. In view of the above said deliberations, there are no merits in the writ petition and the same is liable to be dismissed.

36. Accordingly, all 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), (Construction and Maintenance) Circle,
Thiruchirappalli.
2. The Divisional Engineer (Highways),
(Construction and Maintenance) Division,
Pudukkottai.



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R.VIJAYAKUMAR, J.

RJR

Pre-delivery order made
in
**W.P.(MD)Nos.29451 to 29453 and
30377 of 2025**

08.01.2026