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W.P.No.32313 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 32312 of 2025 and
W.M.P.Nos.36255, 36255 & 51004 of 2025**

M/s.MKMS Builders
No.23,Chamiers Road,
Nandanam,Chennai-600035
Represented By Its Managingpartner,
Mr. A. Shajahan Sait

Petitioner(s)

Vs

1. The Chief Engineer
Public Works Department,
Technical Education Circle,
DOTE Campus, Guindy,
Chennai- 600 025.

2.The Executive Engineer,
Public Works Department
(PWD), Technical Education
Division, Thanjavur



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3.The Registrar,
Annamalai University,
Annamalai Nagar, Cuddalore
District-608002.

4.The President,
Annamalai University Alumni
Association (auaa), Annamalai
University, Anna Malai Nagar,
Cuddalore District-608002.

5.The Secretary To The
Government Of Tamil Nadu
Public Works Department,
Secretariat, Fort St.George,
Chennai- 600 009.

6.The Secretary To The
Government Of Tamil Nadu
Higher Education Department,
Secretariat, Fort St.George,
Chennai- 600 009.

7.The Principal Secretary To The
Government Of Tamilnadu
State Project Director,
Rashtriya Uchchatar Shiksha
Abhiyan (RUSA), DOTE
Campus, Guindy,
Chennai-600 025.

Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,



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praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned Online Rejection Order in respect of Tender ID2025_HE_571780_1 issued by the 1st Respondent dated 08.08.2025 and quash the same and consequently direct the 1st Respondent to include the Bid submitted by the Petitioner in the evaluation of the Financial Bids in respect of Tender ID. 2025_HE_571780_1 by considering the representation of the Petitioner dated 09.08.2025.

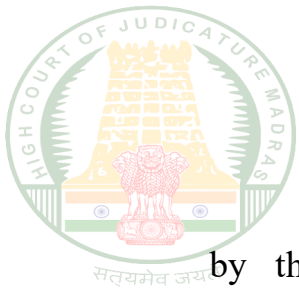
For Petitioner(s): Mr.Naveen Murthy for
M/s.S.Varsha

For Respondent(s): Mr.P.Kumaresan, AAG
assisted by Ms.S.Anitha, Spl
GP for R1, R2 & R5

Mr.K.Krishnan for
M/s.Isaac Chambers for R3 and
R4

ORDER

This Writ Petition has been filed, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned Online Rejection Order in respect of Tender ID2025_HE_571780_1 issued

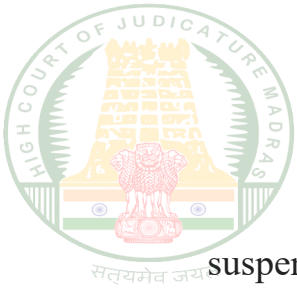


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by the 1st Respondent dated 08.08.2025 and quash the same and consequently direct the 1st Respondent to include the Bid submitted by the Petitioner in the evaluation of the Financial Bids in respect of Tender ID. 2025_HE_571780_1 by considering the representation of the petitioner dated 09.08.2025.

2. The brief facts, necessary for disposal of the Writ Petition are that the petitioner is a Class-I registered contractor with vast experience in civil works for the Public Works Department (PWD), Government of Tamil Nadu. On 09.07.2021, the petitioner entered into an Articles of Agreement with the 4th Respondent for construction of a Central Scientific Instrumentation and Innovation Research (CSIIR) Building at the University campus. Pursuant to this agreement, the petitioner mobilized men and materials and commenced preliminary works at the site. However, by a letter dated 08.03.2022, the 4th Respondent abruptly directed the petitioner to



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suspend the CSIIR construction work until further orders but no default was ever attributed to the petitioner. The work remained suspended without clarification. Subsequently, by G.O. (D) No. 66 dated 08.03.2023, the 6th respondent cancelled the earlier sanction for the CSIIR Building and 7th respondent granted permission for construction of Innovation and Incubation Centre under RUSA 2.0 at the very same site. The petitioner, who was already in possession of the site under the 2021 Agreement, was not consulted or considered for continuation of the project.

2.1 While so, on 03.06.2025, the 1st Respondent issued E-Tender Notice No. 16CE/DO 2/TEC/2025-26 for construction of the Sald Incubation and Innovation Centre building (value: ₹10.11 Crores; completion period: 12 months). The tender was e-published on 20.06.2025. The petitioner's Managing Partner visited the site on 24.06.2025 and took photographs. On 30.06.2025, the petitioner addressed a letter to the Executive Engineer, PWD, Thanjavur requesting issuance of a Site Visit



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Certificate, which was a mandatory document under the tender conditions.

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The request was repeated on 07.07.2025, when the petitioner again visited the site. On the same day, the petitioner submitted its bid vide Bid No. 1392760, without the Site Visit Certificate, as it had not yet been issued. The said Site Visit Certificate was issued only on 08.07.2025, which was also the last date of submission of bids and one day after, the petitioner had already uploaded its bid. As a result, the petitioner could not include it in the submission. The bids were opened on 09.07.2025. On 10.07.2025, the petitioner submitted representation to the 1st Respondent, requesting first right of refusal to continue with the project at the same site, given that the earlier agreement had not been terminated and that the petitioner had already mobilized resources. Despite this, on 08.08.2025, the 1st Respondent issued the impugned Online Rejection Order in Tender ID 2025_HE_571780_1, rejecting the petitioner's technical bid on the ground of "Not uploaded prescribed documents." Hence, challenging the Online rejection order, the

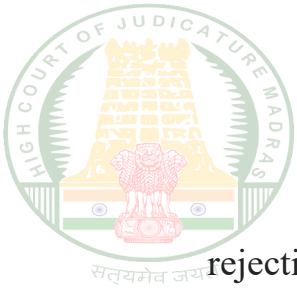


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petitioner has come forward with the present Writ Petition.

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3. The learned counsel for the petitioner would submit that as per the tender conditions, it is mandatory on the part of the petitioner to upload Site Visit Certificate along with bid document, however, the petitioner addressed a letter on 30.06.2025 to the Executive Engineer, PWD, Thanjavur, requesting for issuance of a Site Visit Certificate, but it was not issued till 07.07.2025 while the last date for submitting the bid is 08.07.2025 and in such circumstances, the petitioner uploaded the bid without Site Visit Certificate, as a result of which, the technical bid of the petitioner came to be rejected by the 1st respondent vide Online Rejection order dated 08.08.2025 without assigning any particulars thereof and despite the representation dated 09.08.2025 made by the petitioner, requesting the details of the alleged deficiency and seeking an opportunity to clarify the same, the 1st respondent has not considered and hence, he would urge this Court to set aside the



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rejection order.

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4. The learned Addl.Advocate General for the respondent Nos. 1, 2 and 5 would submit that the petitioner has failed to upload Site Visit Certificate and other required documents which are mandatory as per the terms of the Bid and in the absence of the said documents, the petitioner's experience in civil works cannot be assessed and hence, the rejection order was rightly passed by the 1st respondent, which cannot be faulted with. He would also submit that though Section 10(7) of the Tamil Nadu Transparency in Tenders Act, 1998 mandates the Tendering Authority to assign reasons for rejection of the Tender to the petitioner and also to furnish the particulars of the successful bidder, but the 1st respondent has passed the Online rejection order and the petitioner has come forward with the present Writ Petition which is premature one as rejection order in terms of Section 10(7) is yet to be passed by the authority. He would also submit that even



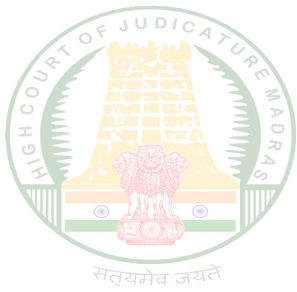
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after passing the rejection order in terms of Section 10(7) of the Act by the Tender Accepting Authority, the petitioner can work out his remedy by way of appeal before the Government as per Section 11 of the Act. Therefore, he would urge this Court to dismiss the Writ Petition as premature.

5. Heard the learned counsel for the petitioner and the learned Addl.Advocate General for the respondent Nos.1, 2 and 5 and the learned counsel for the respondent No.3 and perused the materials placed on record.

6. It is not in dispute that the petitioner has not uploaded the Site Visit Certificate and other documents along with the Bid, which are mandatory as per the tender conditions and thereby the rejection order was passed. However, it is to be noted that Section 10 of the Tamil Nadu Transparency in Tenders Act, 1998 prescribes "Evaluation and Acceptance of Tender' and sub Section (7) of Section 10 provides the following:



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“10 (7). The Tender Accepting Authority shall intimate the information regarding the name and address of the tenderer whose tender has been accepted along with the reasons for rejection of other tenders to the appropriate Tender Bulletin Officers.”

7. As per the above provision, the Tender Accepting Authority shall intimate the particulars of the successful bidder along with the reasons for rejection of the tender to unsuccessful bidder. In the present case, as pointed out by the learned counsel for the petitioner, no reasons for rejection of the petitioner's tender were assigned nor considered the representation made by the petitioner dated 10.07.2025. It appears that Online rejection Order was issued by the 1st respondent on 08.08.2025, stating in one line that “Not uploaded prescribed documents”. Mere issuing Online rejection order with one sentence without assigning the reasons as well as without furnishing the particulars of the successful bidder, cannot be treated as an

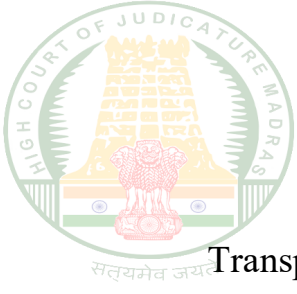


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order of rejection of the tender in terms of Section 10(7) of the Act. Only after evaluation of financial bid and awarding of the tender to the successful bidder, the Tender Accepting Authority is permitted to issue the order of rejection along with its reasons to the unsuccessful bidders as per Section 10(7) of the Tamil Nadu Transparency in Tenders Act, 1998. In such view of the matter, even before passing the rejection order in terms of Section 10(7) by the tendering authority, the petitioner has come forward with the present Writ Petition, which, in considered opinion of this Court, is 'premature' and hence this Court is not inclined to entertain the Writ Petition. Further, Section 11 of the Act provides appeal remedy to the tenderer aggrieved by the rejection order passed by the Tender Accepting Authority, before the Government.

8. For the foregoing reasons, the Writ Petition stands dismissed as premature and the 1st respondent/Tender Accepting Authority is directed to pass appropriate orders in terms of Section 10(7) of the Tamil Nadu



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Transparency in Tenders Act, 1998 and communicate the same to the petitioner, within a period of one week from the date of receipt of a copy of this order. It is needless to mention that if the petitioner is aggrieved by the order being passed in terms of Section 10(7) of the Act, the petitioner can work out his remedy in the manner known to law. No costs. Consequently, connected WMPs are closed.

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26.11.2025

Index:Yes/No

Neutral Citation:Yes/No

Note: Issue Order copy by 27.11.2025

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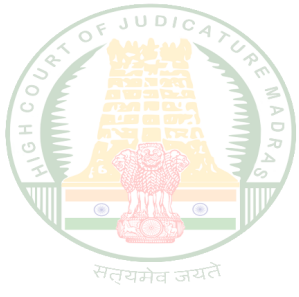
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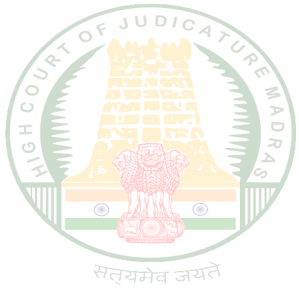


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M.DHANDAPANI, J.

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