

W.P.(MD).Nos.35569 of 2025 & 87 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 23.01.2026

ORDER PRONOUNCED ON : 09.02.2026

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).Nos.35569 of 2025 & 87 of 2026
and WMP(MD).Nos.28231, 28234 of 2025
and 52 and 61 of 2026**

WP(MD).No.35569 of 2025:

M/s.V.Best Engineers
Represented by its Managing Partner
Vignesh
S/o.R.K.Moorthy

....Petitioner

Vs

1.The Superintending Engineer
Public Works Department
Building Construction and Maintenance Circle
Trichy

2.The Executive Engineer (Electrical)
Public Works Department
Electrical Division
Trichy

....Respondents

WP(MD).No.87 of 2026

M/s.V.Best Engineers
Represented by its Managing Partner
Vignesh
S/o.R.K.Moorthy

....Petitioner



W.P(MD).Nos.35569 of 2025 & 87 of 2026

Vs

1.The Chief Engineer
Public Works Department
Trichy Region, Trichy 620 001

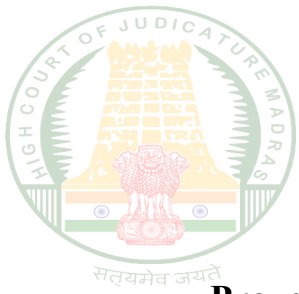
2.The Superintending Engineer
Public Works Department
PWD Building (Construction and Maintenance) Circle
Trichy 620 001

3.The Executive Engineer (Electrical)
Public Works Department
Electrical Division
Trichy

4.M/s.Vasanth Electricals
Represented by its Proprietor
Mr.Manikandan
No.31, A, Anna Nagar, Subramaniyapuram
Trichy 620 020

....Respondents

Prayer in WP(MD).No.35569 of 2025: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned tender notice issued by the first respondent vide his Tender Notice No.41/2025-2026 dated 02.12.2025 and quash the same as illegal and consequentially direct the quash the same as illegal and consequentially direct the respondents to issue fresh tender notice and provide sufficient time to do site visit and obtain site visit certificate and consequently direct the respondents to permit the petitioner to participate in the tender with their existing status of registration as contractor in strict compliance with memo in Circular Memo No.HDO(A)/TNeGA/2022 dated 27.10.2025.



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Prayer in WP(MD).No.87 of 2026: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent vide his impugned minutes of Short Term e-Tenders opening on 12.12.2025 and Technical Evaluation by Tender Scrutiny Committee uploaded in the official website of the second respondent on 26.12.2025 (signed on 24.12.2025) and the consequential impugned order passed by the second respondent vide his letter No.F-6/DB.DO-2/2025-26 dated 26.12.2025 and quash the same as illegal and consequentially direct the respondents to award the tender in favour of the petitioner having regard to the quotation of the petitioner in pursuant to the notification issued by the second respondent vide proceedings in Short Term e-Tender Notice No.41SE/Buildings (C&M) Circle/Trichy/2025-26 dated 02.12.2025 within the period that may be stipulated by this Court.

In both petitions

For Petitioner : Mr.H.Mohammed Imran
For M/s.Ajmal Associates

For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by M/s.D.Farjana Ghoushia
Special Government Pleader
for R1 & R2 in WP(MD).No.35569 of 2025
and for R1 to R3 in WP(MD).No.87 of 2026



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COMMON ORDER

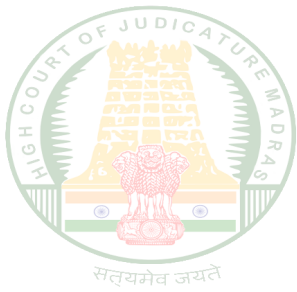
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(A).Factual Background:

WP(MD).No.35569 of 2025 has been filed challenging E-Tender notification issued by the first respondent on 02.12.2025 primarily on the ground that only three days provided to make the site visit and to request for Site Visit Certificate. According to the petitioner, the time frame stipulated in the condition is contrary to the time frame found in the tender notification. It is further alleged that the tender notification has been issued without providing sufficient time as contemplated under Tamil Nadu Transparency in Tenders Rules, 2000.

2.While WP(MD).No.35569 of 2025 was pending, the Site Visit Certificate was issued to the writ petitioner and the petitioner had submitted his tender form in time. Therefore, nothing survives to be adjudicated in the present writ petition.

3.The petitioner has submitted his tender on 11.12.2025. The e-tender was opened from 3.30 p.m onwards on 12.12.2025. The evaluation process was continued up to 26.12.2025 and the minutes of the Evaluation Committee were uploaded on 26.12.2025 wherein the bid submitted by the petitioner company was rejected treating it as non-responsive. This order is put to challenge in WP(MD).No.87 of 2026.



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4.The reasons assigned for rejection of technical bid of the writ petitioner are as follows:

a)Copy of Solvency Certificate and Encumbrance Certificate, as furnished to the registration authority at the time of registration in his or her/their name as contractor in PWD is not enclosed.

b)The tenderer has quoted (-) 33% of value against the value put to tender which is non workable rate. Hence, the quality of work will be questionable.

c)The acceptance letter of the technical person concerned did not enclose.

5.Based upon the above said reasons, the e-tender offered by the writ petitioner was found to be invalid and the tender bid was treated as “non responsive”. It was further intimated that the necessary approval has been obtained by the tender approval authority namely the first respondent.

(B).Submissions of the learned counsels appearing on either side:

6.The learned counsel for the petitioner submitted that as far as Solvency Certificate is concerned, they had obtained the same on 04.09.2024 itself. One of the partners namely Mrs.Indrani had retired from the partnership firm and they had inducted a new partner namely Mrs.Thenmozhi in her place. Therefore, the registration had to be updated. When approached the authority for updation of the registration, there was no response from



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them. Hence, the petitioner company had filed WP(MD).No.8748 of 2025 seeking a mandamus as against the first respondent to update the amendment of the petitioner's partnership deed and issue a fresh Solvency Certificate. This writ petition came to be allowed on 04.04.2025 with a direction to the respondent to update the records. This order was put to challenge by the first respondent in WA(MD).No.1781 of 2025 and the same came to be dismissed by the Hon'ble Division Bench on 04.07.2025. Therefore, the delay in updating the registration of the petitioner firm is not due to fault on the part of the petitioner. The respondent cannot take advantage of their own wrong and contended that the petitioner has not produced Solvency Certificate and Encumbrance Certificate as furnished to the registration authority at the time of registration.

7.The learned counsel for the petitioner had further submitted that the Government of Tamil Nadu has issued G.O.Ms.No.282, Revenue and Disaster Management Department Revenue Administration Wing RA-3(2) Section dated 26.05.2025 wherein the existing procedure of issuance of Solvency Certificate was discontinued. Therefore, when the petitioner company made a request to the first respondent to update the registration, a letter was addressed by the first respondent on 22.10.2025 to file alternative certificates like Banker's Certificate, Net-worth Certificate and Average Annual Turnover Certificate. Enclosing the said certificates the petitioner

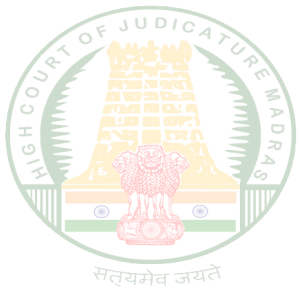


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again made an application seeking updation on 04.12.2025. However, no orders have been passed relating to updation. Therefore, there was a delay on the part of the first respondent in updating the registration of the petitioner firm. Therefore, the petitioner firm cannot be found fault with.

8.The learned counsel for the petitioner had further submitted that as far as the second reason for rejection that the tenderer has quoted (-)33% of the value is concerned, the petitioner should have been called upon to explain the reasons. Without calling upon the petitioner to offer his explanation, the technical bid of the petitioner firm cannot be rejected.

9.The learned counsel had further submitted that as far as the third reasons for non production of acceptance letter of the technical person is concerned, those documents have been enclosed, by mistake they have been overlooked by the respondent and therefore, it is clear that the order has been passed due to non application of mind. Hence, he prayed for allowing the writ petition and to accept the technical bid of the writ petitioner. He had further contended that the price bid of the writ petitioner is much lesser than that of the fourth respondent. Only in order to favour the fourth respondent, the technical bid of the writ petitioner has been rejected on flimsy ground. He had also prayed for quashing the call letter issued to the fourth respondent to come for negotiation of the rates offered by them.



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10.Per contra, the learned Additional Advocate General appearing for the respondents submitted that on 04.09.2024, the firm was registered as a Class-I contractor based upon the Solvency Certificate of one of the partners namely Mrs.Indrani. She had offered her property as security. She got relieved from the partnership firm on 12.11.2023 and thereafter, Mrs.Thenmozhi has been inducted in her place. The property of Mrs.Thenmozhi were offered as security. The encumbrance certificate clearly reveals that those properties are already mortgaged with the Bank. In such circumstances, the question of updation of the register after induction of the partner would not arise.

11.The learned Additional Advocate General had further submitted that on the date of submission of the tender document, the registration of the petitioner firm as a contractor was not in force. The earlier order of registration dated 04.09.2024 had lost its validity, after the solvent partner had retired from the firm. The newly inducted partner has not provided any property as security. In such circumstance, the updation could not be carried out.

12.The learned Additional Advocate General appearing for the respondents had further submitted the petitioner has submitted his application through online on 04.12.2025. The documents were sent for verification with the authorities who had issued the said certificates. He had further submitted



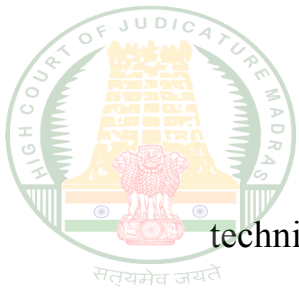
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that they have received the verification certificate only from PWD Technical Education Division and from Union Bank of India and they have not received any confirmation with regard to the genuineness of the other certificates included by the writ petitioner firm. In such circumstances, the updation could not be carried out before the petitioner could submit his tender document. Therefore, on the date when the petitioner submitted his document, the registration of the petitioner firm as Class-I was not in force. In such circumstances, the tender documents were rightly rejected by the respondent authority. Hence, he prayed for dismissal of the writ petition.

13.I have considered the submissions made on either side and perused the material records.

(C).Discussion:

14.The three reasons have been assigned in the impugned order for rejecting the bid submitted by the writ petitioner. As far as the acceptance of letter of technical person concern is concerned, they have been enclosed along with tender documents. However, due to oversight such a reason has been assigned in the impugned order. As far as quoting letter value which is less than (-) 33% of the value is concerned, unless the petitioner is called upon to offer his clarification or explanation, such a reason cannot be assigned. Therefore, this Court is of the considered opinion that these two reasons assigned by the Tender Evaluating Authority for rejecting the



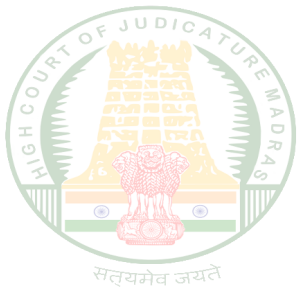
technical bid or not sustainable in the eye of law.

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15.As far as non-production of Solvency Certificate and Encumbrance Certificate as furnished to the Registration Authority at the time of registration of their names as contractors in PWD is concerned, the said issue requires consideration.

16.As per procedure prevailing in the year 2024, the petitioner firm had approached the authority for registering their names as registered contractor for undertaking electrical works in Government contracts. They have to offer some properties as security based upon a solvency certificate issued either in the name of the firm or in the name of one of the partners. In the present case, one of the partners namely Mrs.Indrani offered her property as security and she was the solvent partner in the partnership firm. Admittedly, she had retired from the partnership firm on 12.11.2023. Thereafter, Mrs.Thenmozhi was inducted into the firm and she had obtained a solvency certificate on 04.09.2024 offering four properties as security.

17.A perusal of the encumbrance certificate annexed to the typed set of papers indicates that those properties are already mortgaged with Union Bank of India on 28.08.2024. Therefore, it is clear that on the date when the properties were offered as security by the solvent partner, they were already under hypothecation to Union Bank of India.

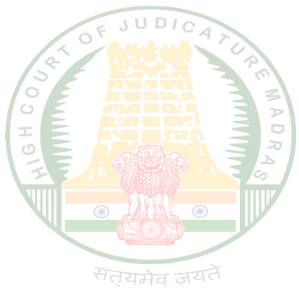


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18. The learned counsel for the petitioner has laid much reliance upon the order passed by this Court in WP(MD).No.8748 of 2025 dated 04.04.2025 where there is a direction to the first respondent herein to update the registration of the writ petitioner firm on induction of the new partner namely Mrs.Thenmozhi. Paragraph No.11 of the said order is extracted as follows:

“11.When the law does not bar a person from joining as a partner and leaving the firm, or from inducting a new person as a partner, the respondent cannot refuse to update the retirement of Indrani and the induction of Thenmozhi. As Indrani had retired, necessarily her property has to be deleted from the solvency details, and as Thenmozhi is willing to offer her property as security, the same has to be incorporated.”

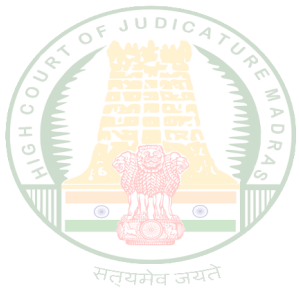
19.A perusal of the said portion of the order would clearly indicate that the writ Court has clearly found that the retired partner namely Indrani have to be deleted from the solvency details and the properties offered by Thenmozhi as security has to be incorporated. This order has been upheld by the Hon'ble Division Bench in WA(MD).No.1781 of 2025 dated 04.07.2025. The property offered by Thenmozhi has been subjected to scrutiny by the first respondent and they have found that the encumbrances have been made one month prior to offering the said property as security.



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20. When the order of the writ Court was passed, G.O.Ms.No.282, Revenue and Disaster Management Department Revenue Administration Wing RA-3(2) Section dated 26.05.2025 was not in force. It was issued only on 26.05.2025. Therefore, on the date when the writ Court has passed the order, it was mandatory on the part of the petitioner firm to provide solvency details of Mrs. Thenmozhi who was the newly inducted partner. However, the properties offered by Thenmozhi as security have been found to be already encumbered. Therefore, the respondent officials cannot be found fault with for not updating the register in time.

21. The Government has issued G.O.Ms.No.282, Revenue and Disaster Management Department Revenue Administration Wing RA-3(2) Section dated 26.05.2025 wherein the procedure of furnishing solvency certificate was given a go by first respondent. The first respondent had to update their register without insisting for solvency certificate. The first respondent has issued communication to the petitioner firm on 01.12.2025 requesting them to update alternative documents such as Banker's Certificate, Net-worth Certificate, Average Annual Turnover Certificate and Indemnity Bond. The petitioner has not chosen to challenge this communication. In compliance with this communication, the petitioner has uploaded these documents on 04.12.2025 for updating the registration.



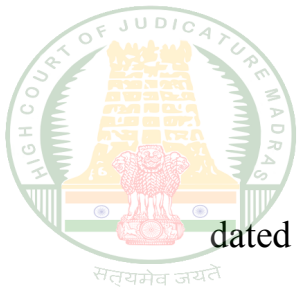
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22.A perusal of the typed set of papers filed on the side of the respondent reveals that these documents have been sent for verification of their genuineness of the concerned authorities who have issued the same. They have received response from PWD, Technical Educational Wing and Union Bank of India that those documents are genuine documents. However, they have not received any response whatsoever from the other departments/institutions who have issued certificate. Therefore, the respondent officials cannot be found fault with for not updating the register immediately.

23.A perusal of the tender document submitted by the petitioner would clearly reveals that the petitioner has enclosed only the solvency certificate of retired partner namely Indrani at the time of submitting their tender document on 11.12.2025. Admittedly, the said Indirani has retired from the partnership firm on 12.11.2023 and the petitioner firm was litigating before the Court for updating the registration with the solvency certificate of newly inducted partner namely Mrs.Thenmozhi. In such circumstances, the petitioner firm could not rely upon the solvency certificate of the retired partner.

24.Assuming that G.O.Ms.No.282, Revenue and Disaster Management Department Revenue Administration Wing RA-3(2) Section dated 26.05.2025 does not mandate a solvency certificate, the petitioner firm was called upon to produce alternative certificates by way of proceedings of the first respondent



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dated 01.12.2025. On 11.12.2025 a corrigendum has been issued for E-Tender notice deleting the condition for submission of solvency and encumbrance certificate. However, alternatively the contractors were given an option to submit the indemnity bond equivalent to required solvency and shall upload the same as furnished during registration and renewal. They were also directed to produce Banker's Certificate issued by a Schedule Bank and Net Worth Certificate duly signed and issued by the chartered accountant and the Average Annual Turnover Certificate duly signed and issued by the certificate chartered accountant in the prescribed format. The petitioner firm has obtained these documents and applied for updation of the register only on 04.12.2025.

25.It is the contention of the learned Additional Advocate General that so far they have not received any response from some of the authorities who have issued the certificates. In such circumstances, the contention of the petitioner firm that due to the fault on the part of the respondents, they were not able to update their registration cannot be countenanced.

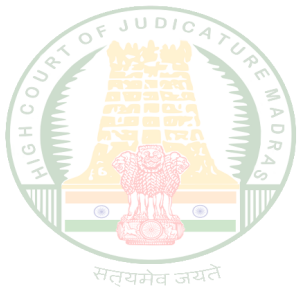
26.The order of the writ Court in WP(MD).No.8748 of 2025 as upheld by the Hon'ble Division Bench was based upon the fact that the solvency certificate is mandatory. However, due to subsequent event of issuance of G.O.Ms.No.282, Revenue and Disaster Management Department Revenue Administration Wing RA-3(2) Section dated 26.05.2025, the procedure for issuance of solvency certificate was done away with. In fact, the respondent



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officials have issued a corrigendum to the E-Tender notice on 11.12.2025 providing for submission of alternative records. In such circumstances, the petitioner having been not able to update the registration before 11.12.2025, cannot take advantage of the orders of this Court due to the changed circumstances.

27. In view of the above said discussion, it is clear that the registration of the petitioner firm as a registered contractor could not be updated due to the fact that the properties offered as security by newly inducted partner namely Thenmozhi were already encumbered one month prior to the date of solvency certificate. Even assuming that the solvency certificate is not required, the alternative certificates were uploaded by the writ petitioner only on 04.12.2025, seven days prior to the last date for submission of the bid. The last date for submission of tender is 11.12.2025. Therefore in between 04.12.2025 and 11.12.2025, the genuineness of the certificates enclosed by the petitioner firm could not be ascertained by the authorities. Hence, on the date of evaluation of technical bid, the petitioner firm's registration has not been updated at all. When the petitioner firm is not a registered contractor, the question of evaluating the technical bid does not arise. Therefore, the respondents have rightly declared the tender bid of the petitioner as non responsive.



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(D).Conclusion:

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

09.02.2026

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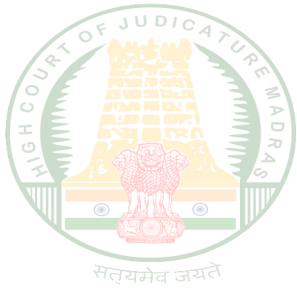
To

1.The Chief Engineer
Public Works Department
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2.The Superintending Engineer
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PWD Building (Construction and Maintenance) Circle
Trichy 620 001

3.The Executive Engineer (Electrical)
Public Works Department
Electrical Division
Trichy

4.The Section Officer
V.R.Section
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

W.P.(MD).Nos.35569 of 2025 & 87 of 2026
and WMP(MD).Nos.28231, 28234 of 2025
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