

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WA.No. 1344 of 2015 () IN WP(C).29780/2014

AGAINST THE JUDGMENT IN WP(C) 29780/2014 DATED 03-02-2015

APPELLANT(S)/PETITIONER :-

P.PURANDARA BABU, DIRECTOR,
MIRA ADITI IMPEX PRIVATE LIMITED,
302, SESA SAI RESIDENCY APARTMENTS,
AIR BY PASS ROAD, TIRUPATI - 517 501, ANDHRA PRADESH.

BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.T.RAMPRASAD UNNI
SRI.S.M.PRASANTH

RESPONDENT(S)/RESPONDENTS :-

1. THE TRAVANCORE DEVASWOM BOARD,
NANTHANCOD, THIRUVANANTHAPURAM - 695 033
REPRESENTED BY ITS SECRETARY.
2. THE DEVASWOM COMMISSIONER,
THE TRAVANCORE DEVASWOM BOARD,
NANTHANCOD, THIRUVANANTHAPURAM - 695 033.
3. M/S BINU & COMPANY,
PEZHUMTHURUTH, PERUMON P.O., KOLLAM - 691 601
REPRESENTED BY ITS PROPRIETOR

R3 BY SRI.P.MARTIN JOSE
R1 & R2 BY SRI.KRISHNA MENON, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.1344 of 2015

Dated this the 1st day of July 2015

J U D G M E N T

Shaffique, J.

This writ appeal is filed by the petitioner in W.P.(C) No.29780 of 2014 challenging the judgment dated 3.2.2015 passed by the learned Single Judge. The petitioner had approached this Court inter alia seeking for a direction to declare that the tender of the 3rd respondent cannot be accepted and to award the tender to the lowest eligible bidder, the petitioner. This was in respect of a tender notification issued by the respondent Board for supplying 'easy open lids' to 'Aravana tins' in the year 2014-'15. According to the petitioner, the 3rd respondent in whose favour the work was awarded did not satisfy the eligibility criteria of having business in the same line for the last five years and with the turn over of not less than ₹5 Crores. During the pendency of the writ petition, several interim orders seems to have been passed, which had been taken on record by the learned Single Judge and the learned Single Judge finally opined that on account of the

subsequent turn of events after filing of the writ petition, nothing survives to be considered in the writ petition as the period itself has been over. Accordingly, without expressing anything on merits, the writ petition was disposed of.

2. While impugning the above judgment, Sri.K.Ramakumar, the learned Senior Counsel appearing for the appellant submits that though the period of contract has already expired and the materials seems to have been supplied in terms of the interim orders passed during the pendency of the writ petition, the learned Single Judge ought to have considered the matter on merits, on account of the fact that the Board may, during the next period also award the work without satisfying the eligibility criteria. First of all, we do not find any error in the judgment of the learned Single Judge in not considering the matter on merits since the supply with reference to the said award has already been completed. That apart, we are not aware of the future tender conditions and we cannot assume that the Board may take the same view as alleged by the petitioner in the above writ petition.

W.A. No.1344 of 2015

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Under such circumstances, we do not think that any interference is called for to the judgment of the learned Single Judge. Accordingly, this writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE

Jvt