

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 1902 of 2015 (K)

PETITIONER:

**K.T. MOHAMMED KUNHI, AGED 40 YEARS,
S/O.A.K.MOHAMMED KUNHI HAJI,
RESIDING AT 'K.T.HOUSE', KANNAPURAM,
PUNCHAVAYAL, P.O.MOTTAMMAL,
KANNUR-670 331.**

**BY ADVS.SRI.A.K.ABDUL AZEEZ
SRI.T.K.SASINDRAN**

RESPONDENT(S):

- 1. NATIONAL GAMES DISTRICT ORGANIZING COMMITTEE,
NATIONAL GAMES OFFICE COLLECTORATE, KANNUR,
REPRESENTED BY ITS GENERAL CONVENOR,
DISTRICT COLLECTOR, KANNUR-670 002.**
- 2. TRANSPORT COMMITTEE, REPRESENTED BY
REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, CIVIL STATION,
KANNUR-670 002.**

**R1 BY SRI.SREELAL N.WARRIOR, SC
R2 BY GOVERNMENT PLEADERSRI.K.C.VINCENT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 1902 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT P1 : TRUE COPY OF TENDER NO.13/132/2015 FOR SELECTION OF
TRANSPORT CONTRACTORS TO MEET THE TRANSPORTATION
REQUIREMENT IN CONNECTION WITH 35TH NATIONAL GAMES IN
KANNUR.
- EXT P2 : TRUE COPIES OF THE CERTIFICATES OF REGISTRATION FOR THE SIX
VEHICLES OWNED BY THE PETITIONER.
- EXT P3 : TRUE COPY OF THE COUNTER FOILS OF DEMAND DRAFTS OF
RS.50,000/- AND RS.4,200/- TOWARDS EMD AND TENDER DOCUMENT
FEE DATED 15-01-2015.
- EXT P4 : TRUE COPY OF THE CERTIFICATE SHOWING ANNUAL TURNOVER FOR
THREE YEARS ISSUED BY THE CHARTERED ACCOUNTANT.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R.RAMACHANDRA MENON, J.

= = = = =

W.P.(C) No.1902 of 2015

= = = = =

Dated this the 20th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:-

“i) Issue a Writ of Mandamus or any other appropriate Writ order to call for the records leading to Tender No.13/132/2015 and to direct the Respondents to award the tender to the petitioner in the light of Ext.P2 and P4 by considering the fact that the petitioner is the only candidate who has complied with all the requirements listed under the eligibility criteria as evidenced in Ext.P1.

ii) Declare that the petitioner is entitled to get the tender awarded in his favour in the light of Ext.P2 and Ext.P4.”

2. Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondents.

3. The learned Standing Counsel appearing for the respondents submits that the petitioner though participated in the tender notified as per Ext.P1, he did not qualify in the

technical bid. It is also stated that, remaining two persons' tenders were opened and the prices quoted by L1 was sufficiently lower. Despite negotiations, the other tenderer i.e. L2 was not prepared to reduce the rate. Subsequently, L1 was made to withdraw from the scene. The tender was not finalised and the same is the subject matter of WP(C) No.8/2015 preferred by L2. Met with the situation, because of the stale mate, the respondents have taken a decision to float a fresh tender to empanel more qualified candidates; lest there should be a cartel formation and concerted movement to pressurise the respondents to meet the terms which may be dictated by the concerned participants. It is also stated that a new tender notification has already been notified in the Hindu Daily dated today (20.01.2015) and that the bids have to be submitted by the qualified persons by tomorrow.

4. The learned Standing Counsel submits that the petitioner can also participate in the bid and eligibility will be considered afresh along with others.

5. In the above circumstances, this Court finds that nothing further survives to be considered in the matter. The writ petition is disposed of with liberty to the petitioner to participate in the fresh tender invited by the respondents.

**P.R.RAMACHANDRA MENON,
JUDGE**

sj