

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C).No. 2134 of 2014 (N)

PETITIONER :

**C. O. JOHNSON, PROPRIETOR,
GLOBAL CONSTRUCTION COMPANY, MARUTHAYATH BUILDING,
3RD FLOOR, PALLIMUKKU KUNDARA P.O., KOLLAM - 691 501.**

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS :

- 1. INDIAN OIL CORPORATION LTD.,
(MARKETING DIVISION), KERALA STATE OFFICE,
PANAMPILLY AVENUE, P.O.PANAMPILLY NAGAR,
KOCHI - 682 036.**
- 2. INKAL VENTURES PRIVATE LIMITED,
SREESHYLAM, ARAKUNNAM P.O., PIN: 682 313
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 3. K.M. CONSTRUCTIONS,
SOORANAD SOUTH, KOLLAM, REPRESENTED BY SRI.I.SATHAR.**

**R1 BY ADVS. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS**

**R2 BY ADVS. SRI.JOY THATTIL ITTOOP
SRI.A.G.ADITYA SHENOY
SRI.K.M.BIJU**

**R3 BY ADV. SRI.M.H.HANIL KUMAR
BY SRI.M.GOPIKRISHNAN NAMBIAR
BY SRI.SAJI VARGHESE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF TENDER NOTIFICATION PUBLISHED BY THE 1ST RESPONDENT.
- EXT.P2: TRUE COPY OF LETTER DATED 12/12/2013 SUBMITTED BY THE PETITIONER.
- EXT.P3: TRUE COPY OF WORK ORDER DATED 6/3/2008.
- EXT.P4: TRUE COPY OF COMPLETION CERTIFICATE DATED 2/6/2011 ISSUED BY THE 1ST RESPONDENT.
- EXT.P5: TRUE COPY OF SOLVENCY CERTIFICATE DATED 11/12/2013, ISSUED BY STATE BANK OF TRAVANCORE.
- EXT.P6: TRUE COPY OF SUB CONTRACT AGREEMENT DATED 30/7/2012.
- EXT.P7: TRUE COPY OF COMPLETION CERTIFICATE DATED 30/12/2012.
- EXT.P8: TRUE COPY OF ACCEPTANCE SCHEDULE PRODUCED BY THE 3RD RESPONDENT.
- EXT.P9: TRUE COPY OF COMPLETION CERTIFICATE DATED 2/12/2013 PRODUCED BY THE 3RD RESPONDENT.
- EXT.P10: TRUE COPY OF LETTER DATED 11/12/2013 SUBMITTED BY THE 3RD RESPONDENT.
- EXT.P11: TRUE COPY OF E-MAIL DATED 14/1/2014.

RESPONDENT(S)' EXHIBITS :

- EXT.R1(a): COPY OF LETTER SUBMITTED BY THE PETITIONER TO THE R1.
- EXT.R1(b): COPY OF LETTER SUBMITTED BY THE R2 TO THE R1.
- EXT.R1(c): COPY OF LETTER SUBMITTED BY THE R3 TO THE R1.
- EXT.R1(d): COPY OF CHECK LIST SUBMITTED BY R2 TO THE R1.
- EXT.R1(e): COPY OF LETTER ISSUED BY CONCORD CONSTRUCTION IN FAVOUR OF TH R2.
- EXT.R1(f): COPY OF WORK COMPLETION CERTIFICATE ISSUED BY CONCORD CONSTRUCTION IN FAVOUR OF THE R2.

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**EXT.R1(g): COPY OF SOLVENCY CERTIFICATE ISSUED BY THE PUNJAB
NATIONAL BANK IN FAVOUR OF THE R2.**

EXT.R2(a): COPY OF THE BALANCE SHEET FOR THE YEAR 2012-2013.

EXT. R2(b): COPY OF THE SPECIAL CONDITION OF SUB CONTRACT.

//TRUE COPY//

P.A.T O JUDGE

bp

A. MUHAMED MUSTAQUE, J.

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W.P.(C) No.2134 of 2014 (N)

.....
Dated this the 1st day of September, 2015

JUDGMENT

The petitioner, who is an unsuccessful bidder, has approached this Court challenging an award of the contract to respondent Nos.2 and 3. The relief sought for in this writ petition is for a direction to stop all steps taken by the 1st respondent to award the contract in pursuance of Ext.P1 to either the 2nd or the 3rd respondents and for return of Earnest Money Deposit [for shot, 'EMD'].

2. The petitioner confined his prayer for release of EMD alone.
3. In that view of the matter, this Court finds that, the EMD is liable to be released to the petitioner. Accordingly, the writ petition is disposed of, with a direction to the 1st respondent to release the EMD to the petitioner within two weeks from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE