

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 9350 of 2015 (P)

PETITIONER(S):

**SAJAN P.VASUDEV, AGED 42 YEARS
PROPRIETOR, SUN POWER TECHNOLOGIES, 49/76
MYTHRI BUILDINGS, ELAMAKKARA P.O., KOCHI-682026.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR**

RESPONDENT(S):

**1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
FOOD AND CIVIL SUPPLIES DEPARTMENT, SECRETARIAT
TRIVANDRUM-695001.**

**2. THE COMMISSIONER
CIVIL SUPPLIES DEPARTMENT, PUBLIC OFFICE BUILDINGS
VIKAS BHAVAN, TRIVANDRUM-695033.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 :** TRUE COPY OF THE CERTIFICATE OF REGISTRATION DT,12-7-13
ISSUED BY THE COMMERCIAL TAXES DEPARTMENT, GOVERNMENT
OF KERALA.
- EXT.P2 :** TRUE COPY OF THE CERTIFICATE DT.18-1-13 ISSUED BY
DEPARTMENT OF INDUSTRIES, GOVERNMENT OF KERALA.
- EXT.P3 :** TRUE COPY OF THE BID SUBMISSION CONFIRMATION DT.23-10-14.
- EXT.P4 :** TRUE COPY OF THE COMMUNICATION DT.19-11-14 ISSUED BY R2 TO
THE PETITIONER.
- EXT.P5 :** TRUE COPY OF THE TECHNICAL BID OPENING SUMMARY DT.16-01

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R.RAMACHANDRA MENON, J.

= = = = =

W.P.(C) No.9350 of 2015

= = = = =

Dated this the 31st day of March, 2015

JUDGMENT

Petitioner has approached this Court with the following prayers:-

“i. Issue a writ of Mandamus or any other appropriate writ, order or direction, directing the Respondent No.2 to give the purchase order to the petitioner, who is the lowest tenderer.

ii. Issue a writ of Mandamus or any other appropriate writ, order or direction, directing the Respondent No.2 not to give the purchase order to any other person, than the petitioner.”

2. The learned counsel for the petitioner submits that the petitioner, being the proprietor of an establishment run under the name and the style as Sun Power Technologies, which is a Small Scale Industrial Unit engaged in the sales and services of UPS and Batteries, has participated in the tender notified by the 2nd respondent for supply of UPS and Battery. It was a re-tendering process and the petitioner uploaded the materials on 23.10.2014 pursuant to Exhibit P4 communication dated 19.11.2014 issued by the 2nd respondent. When the petitioner

came to know that the technical bid was approved, the petitioner produced the other relevant documents. Thereafter no communication was issued to the petitioner, in spite of the fact that the petitioner's quote was the lowest and the proceedings are still to be finalised. The petitioner has come to understand that steps are being taken by the respondents to award the contract to somebody else. This made the petitioner to approach this Court by filing the writ petition with the prayers as aforesaid.

3. The learned Government Pleader submits, on instructions that, the supply sought to be effected were in respect of UPS as well as Battery. The petitioner came to be the lowest bidder in respect of UPS, whereas in the case of Battery, M/s.IGATECH came to be lowest bidder. Since both the items have to be supplied with proper after sale service and synchronization, the petitioner and the other bidder were required to have an amicable settlement. Despite the opportunity given in this regard, the matter could not be resolved and it was in the said circumstance that the 2nd respondent was compelled to cancel the tender. Considering the

need of the work, the supply order has already been given to KELTRON, which is a fully owned Government of Kerala undertaking.

In this circumstance, this Court finds that no relief, as sought for in the writ petition, can be granted to the petitioner. Interference is declined. The writ petition is dismissed.

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

sj