

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 10097 of 2015 (J)

PETITIONER(S):

**VENGARA MARKETING AGENCIES,
MAIN ROAD, VENGARA, MALAPPURAM DISTRICT,
REPRESENTED BY THE MANAGING PARTNER SRI.HARIS A.K.,
AGED 38 YEARS, S/O. KUNJEEDKUTTY,
ANCHUKANDA HOUSE, VALLYORA,
VENGARA P.O., MALAPPURAM - 676 304.**

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENT(S):

- 1. THE TRAVANCORE CEMENTS LIMITED,
NATTAKAM, KOTTAYAM - 680 566,
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. THE MANAGING DIRECTOR,
THE TRAVANCORE CEMENTS LIMITED, NATTAKAM,
KOTTAYAM - 680 566.**
- 3. M/S. AL-SITARA GULF CONTRACTING &
GENERAL MAINTENANCE LLC,
P.O.BOX NO. 49872, DUBAI, UAE.**

R1 & R2 BY ADV. SRI.P.K.VIJAYAMOHANAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 10097 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1 - TRUE COPY OF THE TENDER NOTIFICATION VIDE NO. TCL/MM/ETEND/
2014-15/7 PUBLISHED BY THE 1ST RESPONDENT DT. 01.12.14.**

**EXT. P2 - TRUE COPY OF THE COMMUNICATION FROM THE 2ND RESPONDENT TO
THE 3RD RESPONDENT DT 16.01.15.**

**EXT. P3 - TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT ON 3.3.15.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.10097 of 2015

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Dated this the 30th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) Issue a writ of mandamus appropriate writs directions or orders directing the respondents 1 and 2 to cancel the award of contract to the 3rd respondent pursuant to Exhibit P1 tender notification due to the deviation from the tender condition relating to the supply of clinker from a different company apart from what was agreed at the time of tender;
ii) issue a writ of mandamus appropriate writs, directions or orders directing the 2nd respondent to consider Exhibit P3 representation submitted by the petitioner and take appropriate steps as requested in Exhibit P3;"

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the issue on merits.

4. After hearing both the sides, the writ petition is disposed of, directing the second respondent to consider and pass appropriate orders on Ext.P3 representation preferred by the

petitioner, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the second respondent, for further steps.

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

sj