

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 11651 of 2014 (F)

PETITIONER:

K.P. RAJAN, AGED 63 YEARS, S/O. NANU,
NHALLIL HOUSE, CHERAKKARA P.O.,
THALASSERY PIN-670 104.

BY ADVS. SRI. T. A. SHAJI (SR.)
SRI. M. A. ASIF

RESPONDENTS:

1. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), O/O. JOINT REGISTRAR
OF CO-OPERATIVE SOCIETIES, KANNUR-670 001.
2. STATE OF KERALA REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF CO-OPERATION, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
3. THALASSERY CO-OPERATIVE RURAL BANK LTD. NO. 1263,
THIRUVANGAD, THALASSERY, KANNUR-670 103
REPRESENTED BY ITS GENERAL MANAGER.
4. PERFECT SOFTWARE SOLUTIONS (CLT) PVT. LTD.
6/1240 C, 1ST FLOOR MOOTOLIKANDI ROAD,
NEAR RED CROSS ROAD, KOZHIKODE - 673 032.

R4 BY ADV. SRI. K. M. SATHYANATHA MENON
R4 BY ADV. SMT. KAVERY S THAMPI
R3 BY ADV. SRI. P. K. VIJAYAMOHANAN
R3 BY ADV. SRI. ALAN PAPALI
R3 BY ADV. SRI. GILBERT GEORGE CORREYA
R3 BY ADV. SRI. NISHIL. P. S.
BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE G.O(P)NO.24/2009/ITD DATED 29-09-2009 CONTAINING THE GUIDELINES FOR SELECTING TOTAL SOLUTION PROVIDERS
- EXHIBIT P2 - TRUE COPY OF THE RELEVANT EXTRACT FROM THE REQUEST FOR PROPOSAL (RFP) FOR CORE BANKING SOLUTION (CBS)
- EXHIBIT P3 - TRUE COPY OF THE CERTIFICATE OF INCORPORATION OF THE 4TH RESPONDENT
- EXHIBIT P4 - TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE 3RD AND 4TH RESPONDENT ON 28-02-2014
- EXHIBIT P5 - TRUE COPY OF THE INTERIM ORDER DATED 14-03-2014 OF THIS HON'BLE COURT IN I.A NO.3515/2014 IN WPC.NO.5664/2014 STAYING ALL FURTHER PROCEEDINGS IN IMPLEMENTING THE CORE BANKING IN THE 3RD RESPONDENT BANK BY THE 4TH RESPONDENT
- EXHIBIT P6 - TRUE COPY OF THE REPRESENTATION DATED 26-04-2014 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P7 - TRUE COPY OF THE SHORT TENDER NOTICE DATED 20.01.2014 PUBLISHED BY THE 3RD RESPONDENT INVITING OFFERS FOR SUPPLY AND INSTALLATION OF HARDWARE'S FOR CORE BANKING SYSTEM.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R4(a) - TRUE COPY OF THE WORK ORDER ISSUED FROM THE 3RD RESPONDENT BANK TO 4TH RESPONDENT DATED 25.10.2013.
- EXHIBIT R4(b) - TRUE COPY OF THE LETTER DATED 10.03.2014 WITH RESPECT TO BROWSER BASED CORE BANKING SOFTWARE ISSUED BY THE 3RD RESPONDENT BANK TO THE 4TH RESPONDENT.
- EXHIBIT R4(c) - TRUE COPY OF THE RECEIPT DATED 05.03.2014 ISSUED BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT.
- EXHIBIT R4(d) - TRUE COPY OF THE LETTER DATED 05.05.2014 WITH RESPECT TO BROWSER BASED CORE BANKING SOFTWARE ISSUED BY THE 3RD RESPONDENT BANK TO THE 4TH RESPONDENT.
- EXHIBIT R4(e) - TRUE COPY OF THE DEED OF PARTNERSHIP EXECUTED ON 05.07.2000

- EXHIBIT R4(f) - TRUE COPY OF THE CERTIFICATE OF INCORPORATION WITH THE ONE AND THE SAME PERSONS IN THE PARTNERSHIP DATED 24.09.2003.
- EXHIBIT R4(g) - TRUE COPY OF THE CERTIFICATE ISSUED FROM THE ULLIYERI SERVICE CO-OPERATIVE BANK LTD., IN FAVOUR OF THE 4TH RESPONDENT.
- EXHIBIT R4(g)(1)- TRUE COPY OF THE CERTIFICATE ISSUED FROM THE MANTHARATHUR CO-OPERATIVE RURAL BANK LTD., IN FAVOUR OF THE 4TH RESPONDENT.
- EXHIBIT R4(g)(2)- TRUE COPY OF THE CERTIFICATE ISSUED FROM THE VYTHIRI PRIMARY CO.OP.AGRI. & RURAL DEVELOPMENT BANK LTD. IN FAVOUR OF THE 4TH RESPONDENT.
- EXHIBIT R4(g)(3)- TRUE COPY OF THE CERTIFICATE ISSUED FROM THE KALLANODE SERVICE CO-OPERATIVE BANK LTD., IN FAVOUR OF THE 4TH RESPONDENT.
- EXHIBIT R4(g)(4)- TRUE COPY OF THE CERTIFICATE ISSUED FROM THE ANGADIPURAM SERVICE CO-OP BANK, IN FAVOUR OF THE 4TH RESPONDENT.
- EXHIBIT R4(g)(5)- TRUE COPY OF THE CERTIFICATE ISSUED FROM THE NANMINDA CO-OPERATIVE RURAL BANK LTD. IN FAVOUR OF THE 4TH RESPONDENT.
- EXHIBIT R4(g)(6)- TRUE COPY OF THE CERTIFICATE ISSUED FROM THE WYNAD DISTRICT CO-OPERATIVE BANK LTD., IN FAVOUR OF THE 4TH RESPONDENT.
- EXHIBIT R4(g)(7)- TRUE COPY OF THE CERTIFICATE ISSUED FROM THE MALABAR INFORMATION TECHNOLOGY CO-OPERATIVE SOCIETY (MITCO) IN FAVOUR OF THE 4TH RESPONDENT.
- EXHIBIT R4(h) - TRUE COPY OF THE REPORT ISSUED BY RESOURCES CENTRE FOR CYBER FORENSICS (CDAC)
- EXHIBIT R4(i) - TRUE COPY OF THE ISO 9001:2008 CERTIFICATE ISSUED IN FAVOUR OF THIS RESPONDENT BY BUREAU VERITAS.
- EXHIBIT R4(j) - TRUE COPY OF THE CERTIFICATE ISSUED FROM THE AAM CERTIFICATION IN FAVOUR OF THE 4TH RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 11651 OF 2014

Dated this the 29th day of January, 2015

JUDGMENT

The award of tender in favour of the fourth respondent by the third respondent bank is impugned. It is reported that the work has been completed by the fourth respondent pursuant to the tender. Ext.P6 representation submitted by the petitioner in this regard is pending consideration with the first respondent.

2. I direct the first respondent to consider Ext.P6 representation with notice to the petitioner, the third respondent bank as well as the fourth respondent. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd