

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 12376 of 2015 (V)

PETITIONER :

V.V.PANKAJAKSHAN NAIR,
G 3, EDEN GARDEN HOUSING SOCIETY, ADARSH NAGAR,
AIRPORT ROAD, CHICKALIM, VASCODAGAMA, GOA - 403 711.

BY DR.K.P.SATHEESAN,SENIOR ADVOCATE
ADVS. SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.N.MANU THAMPI

RESPONDENT(S):

1. INDIAN OIL CORPORATION LTD.,
REPRESENTED BY ITS DEPUTY GENERAL MANAGER (LPG),
KERALA STATE OFFICE, PANAMPALLY AVENUE,
PANAMPALLY NAGAR, KOCHI - 682 036.
2. THE SENIOR MANAGER (LPG-O),
INDIAN OIL CORPORATION LTD., KERALA STATE OFFICE,
PANAMPALLY AVENUE, PANAMPALLY NAGAR, KOCHI - 682 036.
3. THE DEPUTY GENERAL MANAGER (LPG),
INDIAN OIL CORPORATION LTD., KERALA STATE OFFICE,
PANAMPALLY AVENUE, PANAMPALLY NAGAR, KOCHI - 682 036.

*ADDL.R4 & R5 IMPEADED

*Addl.R4. M/S.ENKAY ASSOCIATES ,
INTUC ROAD, NETTOOR P.O.,
KOCHI - 682 040
REPRESENTED BY C.M.KUNJUMOHAMMED.

*Addl.R5. M/S.BISHAMBERLAL ARORA,
H & T CONTRACTOR, NEAR MALIK HOSPITAL,
GOHANA ROAD,PANIPAT, HARYANA - 132 103
REPRESENTED BY MR.KAMAL ARORA.

*ADDL.R4 AND R5 ARE IMPEADED AS PER ORDER DATED 21.04.2015 IN
IA.NO. 5734/15.

R1 TO R3 BY SRI.M.GOPIKRISHNAN NAMBIAR
ADDL.R4 BY ADVS. SRI.T.K.RADHAKRISHNAN
SMT.S.SREEDEVI(ALP)
SRI.K.J.GLADIS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE CREDENTIAL BID PUBLISHED BY THE FIRST
RESPONDENT DUE ON 22.01.2015.
- EXT.P2: TRUE COPY OF THE CREDENTIAL BID PUBLISHED BY THE FIRST
RESPONDENT DUE ON 29.01.2015.
- EXT.P3: TRUE COPY OF THE CERTIFICATE ISSUED BY THE CHIEF MANAGER
(LPG OPERATIONS) OF THE FIRST RESPONDENT COMPANY DTD.
1.3.2012.
- EXT.P4: TRUE COPY OF THE INFORMATION RECEIVED BY THE PETITIONER
THROUGH EMAIL DTD. 6.4.2015.
- EXT.P5: TRUE COPY OF THE INFORMATION RECEIVED BY THE PETITIONER
THROUGH EMAIL DTD. 6.4.2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J

W.P(C) No.12376 of 2015

Dated this the 28th day of July, 2015

J U D G M E N T

The petitioner, a tenderer pursuant to Ext.P1 notification is aggrieved with Ext.P5 order. Ext.P5 order rejects the technical evaluation for the reason “rejected”. The learned Standing Counsel for the respondent Corporation, however, would contend that the Corporation would be able to establish before this Court that the petitioner would not qualify in the technical evaluation. However, it is not for this Court to make such evaluation and it is trite that an order passed by the authority, the State or its instrumentality cannot be permitted to be supplemented by counter affidavits and statements when a challenge is made to such orders. Reliance can be placed on a decision reported in *Mohinder Singh Gill v. Chief Election Commissioner* [(1978) 1 SCC 405]. The learned Standing Counsel would urge that in fact the files of the evaluation committee reveals the reasons.

2. In such circumstance Ext.P5 is set aside and the reasons for rejection at the technical evaluation shall be communicated within one week from the date of receipt of a certified copy of this judgment. The petitioner would be left his remedy to challenge the same, if so advised.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge