

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 15835 of 2015 (D)

PETITIONER : -

CHALIYAR LABOUR CONTRACT CO-OPERATIVE SOCIETY LTD
NO.D 3118, KODAMPUZHA ROAD, PETTA,
FAROKE P.O. KOZHIKODE DISTRICT,
REPRESENTED BY ITS PRESIDENT ABDUL VARIS,
S/O.MARAKKAR, 38 YEARS.

BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
SMT.D.S.THUSHARA
SRI.H.PRAVEEN (KOTTARAKARA)

RESPONDENTS : -

1. DIRECTOR OF PORTS,
VALIYATHURA VALLAKADAVU (PO),
THIRUVANANTHAPURAM - 695008.
2. DEPUTY DIRECTOR OF PORTS,
JAYSHREE, NEAR BRITISH BANK,
VELLAYAMBALAM,
THIRUVANANTHAPURAM-695 010.
3. PORT OFFICER,
BEYPORE PORT, BEYPORE PO,
KOZHIKODE - 673 015.
4. SENIOR PORT CONSERVATOR,
BEYPORE PORT, BEYPORE PO, KOZHIKODE-673 015.

BY Sr. GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE REGISTRATION CERTIFICATE DATED 5.1.2015.

EXHIBIT P2 : TRUE COPY OF THE TENDER NOTIFICATION NO.1160/2014 DATED
5.1.2015 WITH ENGLISH TRANSLATION.

EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION DATED 23.1.2015
SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT
WITH ENGLISH TRANSLATION.

EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION DATED 13.4.2015
SUBMITTED BEFORE THE 3RD RESPONDENT WITH ENGLISH
TRANSLATION.

EXHIBIT P5 : TRUE COPY OF THE INFORMATION OBTAINED UNDER THE RIGHT
TO INFORMATION ACT DATED 22.4.2015 WITH ENGLISH
TRANSLATION.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 15835 of 2015

Dated this the 03rd day of June, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, a Labour Contract Society registered under the Co-operative Societies Act, participated in the tender process for securing the work of manual dredging in Beypore Port. Though, initially eleven tenderers, including the petitioner, submitted the tenders, at the time of pre-qualification, the petitioner's tender was rejected on the ground that the registration of the petitioner Society was not one month prior to the tender notification.

3. As could be seen from the record and as has been contended by the learned counsel for the petitioner, four

tenderers were allowed to participate in the tender process with the opening of their financial bid. Eventually, even those four tenderers, according to the learned counsel for the petitioner, have not been qualified by meeting the criteria set out in Exhibit P1. Under these circumstances, the petitioner is said to have submitted Exhibits P3 and P4 representations before the third respondent, seeking cancellation of the tenders and initiation of re-tendering process. Having been aggrieved by what is said to be the in-action of the third respondent in considering the petitioner's Exhibits P3 and P4 representations, it has filed the present writ petition.

4. The learned counsel for the petitioner has contended that as is evident from Exhibit P5 communication, which was obtained under the provisions of the Right to Information Act, the third respondent has so far not finalized the tenders. According to him, before proceeding further it is incumbent on the third respondent to consider petitioner's Exhibits P3 and P4 representations.

5. The learned Government Pleader, on the other hand, has submitted that if the tendering process has not

already been finalized, the third respondent does not have any objection to consider the petitioner's Exhibits P3 and P4 representations in accordance with law.

6. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader for the respondents, this Court, without advertting to the merits of the matter, disposes of the present writ petition with a direction to the third respondent to consider Exhibits P3 and P4 representations of the petitioner in accordance with law, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of a copy of this judgment, provided that the tenders have so far not been finalized, as on today.

With the above observations, this writ petition is disposed of. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE

DMR/-