

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 18783 of 2013 (W)

PETITIONER :

**P.K.BHASKARAN, 64 YEARS
S/O. KUNJUMON, CONTRACTOR, MANIKKASSERY P.O.
KANHANGAD, PALAKKAD DISTRICT.**

**BY ADVS.SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL
SRI.E.M.UNNIKRISHNAN (MANJERI)
SRI.P.SAJU**

RESPONDENTS :

**1. SUPERINTENDING ENGINEER
PWD, (ROADS AND BRIDGES NORTH CIRCLE),
KOZHIKODE-686 001.**

**2. STATE OF KERALA
REPRESENTED BY SECRETARY,
PUBLIC WORKS DEPARTMENT
THIRUVANANTHAPURAM-695 001.**

**3. P.LANTONY
PWD CONTRACTOR,
KANNADI P.O., PALAKKAD-687 104.**

**R1 & R2 BY GOVT. PLEADER SRI. MANOJ P. KUNJACHAN
R3 BY SENIOR ADVOCATE SRI.K.L.VARGHESE
BY ADVS. SMT.SANTHA VARGHESE
SRI.RAHUL VARGHESE
SRI.RANJITH VARGHESE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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...2/-

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 : PHOTOCOPY OF RELEVANT EXTRACTS FROM PWD MANUAL.
- EXT. P2 : COPY OF THE E-TENDER NOTIFICATION FLOATED BY R1 DT. 6.6.2013.
- EXT. P3 : COPY OF THE E-TENDER SUBMITTED BY THE PETITIONER.
- EXT. P4 : COPY OF LETTER DTD.22.7.13 OF THE PETITIONER TO R1.
- EXT. P5 : COPY OF LETTER (DOWN LOADED) DTD.23.7.13 OF R1 INTIMATING
REJECTION OF PETITIONER'S OFFER.
- EXT. P6 : TRUE EXTRACT OF SMS MESSAGE SENT BY R1 TO PETITIONER
REFUNDING THE EMD.
- EXT. P7 : COPY OF INFORMATION SOUGHT FROM R1 BY THE PETITIONER
UNDER RTI ACT.
- EXT. P8 : COPY OF THE DIRECTION ISSUED BY THE MORTH.

RESPONDENT(S)' EXHIBITS :

- EXT. R3(a) COPY OF THE GOVERNMENT ORDER DT. 7.7.1987.
- EXT. R3(b) COPY OF THE GOVERNMENT ORDER DT. 28.9.012.
- EXT. R3(c) COPY OF THE NOTIFICATION DT. 27.11.2009 OF THE MINISTRY OF
ROAD TRANSPORT & HIGHWAYS.
- EXT. R3(d) COPY OF RELEVANT PORTION OF THE PWD MANUAL OF 2012.
- EXT. R3(e) COPY OF CERTIFICATE OF EXPERIENCE DT. 12.7.2013.
- EXT. R3(f) COPY OF THE COMPLETE SET OF THE TENDER NO. 08/2013-14 DT.
6.6.2013 AND THE ACCOMPANYING DOCUMENTS.
- EXT. R3(g) COPY OF THE RELEVANT PORTION OF PWD MANUAL REVISED
EDITION 2012.
- EXT. R3(h) COPY OF CERTIFICATE DT. 9.10.2015 ISSUED BY THE FEDERAL
BANK LTD., MATHUR BRANCH, PALAKKAD.

//TRUE COPY//

P.S. TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 18783 of 2013

Dated this the 20th October, 2015

JUDGMENT

This Writ Petition is filed challenging the award of work of construction of surface renewal of “Akathethara lapses road” in Malampuzha constituency. The petitioner alleges that the third respondent has no qualification.

2. It is submitted by the learned Government Pleader before this Court that the third respondent is not proposing to undertake the work and the department proposes to re-arrange the work.

3. In the light of the above facts and circumstances, this Court is of the view that the department is free to re-tender the work in accordance with the rules and since the third respondent is not undertaking the work. It is also not possible at this point of time to award the work to the petitioner, as it requires revision of rate. The work can be

only awarded based on rearrangement as per the rules.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs21/10/15