

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WP(C).No. 16270 of 2015 (G)

PETITIONER(S):

G.GIREESH KUMAR, AGED 51 YEARS
S/O GANGADHARAN PILLAI, G.S. ENGINEERING WORKS
TC 47/603, MELARANOOR, KARAMANA
THIRUVANANTHAPURAM-695002.

BY ADVS.SRI.V.MANOJ KUMAR
SRI.IYPE JOSEPH

RESPONDENT(S):

1. MUNICIPALITY OF NORTH PARAVUR
NORTH PARAVUR REPRESENTED BY ITS SECRETARY
PIN:683513.
2. THE ASSISTANT EXECUTIVE ENGINEER
LOCAL SELF GOVERNMENT DEPARTMENT
MUNICIPALITY OF NORTH PARAVUR, NORTH PARAVUR
PIN:683513.
3. THE CHIEF ENGINEER
LOCAL SELF GOVERNMENT DEPARTMENT
THIRUVANANTHAPURAM - 695 001.

ADDL. 4. K.D.GEORGE, AGED 50
S/O.DANIEL, PAVANA,
VYTTILA P.O., ERNAKULAM DISTRICT
KOCHI - 19.

(IMPLEADED AS ADDL.R4 AS PER ORDER DATED 27.7.2015 IN IA.NO.
8359/15)

R1-R3 BY ADV. SRI.C.S.AJITH PRAKASH
RADDL BY ADV. SRI.GEORGE KURUVILLA(ALAPPUZHA)
R2&3 BY SENIOR GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED BY THE PWD DEPARTMENT.

EXHIBIT P2: TRUE COPY OF THE LICENSE ISSUED BY THE KERALA STATE ELECTRICITY BOARD.

EXHIBIT P3: TRUE COPY OF THE NOTICE INVITING TENDERS ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE BID SUBMITTED BY THE PETITIONER.

EXHIBIT P5: TRUE COPY OF THE BID SUBMISSION CONFIRMATION.

EXHIBIT P6: TRUE COPY OF THE TECHNICAL BID EVALUATION SUMMARY UPLOADED IN THE WEBSITE.

EXHIBIT P7: TRUE COPY OF THE TENDER CONDITIONS.

EXHIBIT P8: TRUE COPY OF THE LETTER DATED 11.5.2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXHIBIT P9: TRUE COPY OF THE ACCOUNT STATEMENT IN THE CASH CREDIT ACCOUNT OF THE PETITIONER.

EXHIBIT P10: TRUE COPY OF THE ACCOUNT STATEMENT OF THE SAVINGS BANK ACCOUNT OF THE PETITIONER.

RESPONDENT(S)' EXHIBITS

EXT.R1(A) A TRUE COPY OF THE E-MAIL COMMUNICATION DATED 15.6.2015

EXT.R4(a) TRUE COPY OF THE AGREEMENT WITH THE SECOND RESPONDENT DATED 16/5/15.

EXT.R4(b) TRUE COPY OF THE LETTER DATED 19/5/15 ISSUED BY THE FIRST RESPONDENT.

EXT.R4(c) TRUE COPY OF THE ACKNOWLEDGMENT FORM OF HANDING OVER OF THE SITE DATED 19/5/15.

EXT.R4(d) TRUE COPY OF THE SPECIAL INSTRUCTIONS FORMING PART OF THE TENDER CONDITIONS

EXT.R4(e) TRUE COPY OF THE EXPERIENCE CERTIFICATE DATED 19/12/13

EXT.R4(f) TRUE COPY OF THE EXPERIENCE CERTIFICATE DATED 10/8/11

W.P(C) No.16270/2015

: 2 :

EXT.R4(g) TRUE COPY OF THE EXPERIENCE CERTIFICATE DATED 4/2/14

EXT.R4(h) TRUE COPY OF THE EXPERIENCE CERTIFICATE DT. 21.10.14

//TRUE COPY//

P.S. TO JUDGE

V.CHITAMBARESH, J.

W.P (C) No. 16270 of 2015

Dated this the 2nd day of September, 2015

J U D G M E N T

The issue pertains to the Award of tender to renovate the Municipal Town Hall at North Paravur. It is seen that the technical bid of the petitioner was rejected by the third respondent by Ext.P6 communication dated 29.4.2005. Ext.R4(a) agreement was subsequently entered into on 16.5.2015 between the second respondent and the fourth respondent who was the successful tenderer. The site was also handed over to the fourth respondent on 19.5.2015 as evidenced by Ext.R4(c) acknowledgment. The work commenced thereafter and the writ petition challenging the Award of contract was filed much later on 1.6.2015.

2. It is reported that the work is being proceeded with by brisk pace for the past two months as permitted by the interim order in this writ petition. It will be inequitable at this juncture to interfere with the Award of tender in exercise of the writ jurisdiction of this Court. The petitioner is free to claim damages against the respondents on establishing sufficient grounds by approaching the Civil Court. The

remedy lies before the Civil Court only and the fourth respondent cannot at this stage be restrained from completing the execution of the work.

The writ Petition is disposed of without prejudice to the right of the petitioner as indicated above.

Sd/-
V.CHITAMBARESH,
Judge.

nj.