

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. 22716 of 2015 (L)

PETITIONER :

**C.J.THOMAS, AGED 62 YEARS,
S/O.JOHN, LEO-BHAVAN, THONAKKAT P.O.,
CHENGANNUR.**

**BY ADVS.SRI.C.HARIKUMAR
DR.K.P.PRADEEP
SRI.RENJITH RAJAPPAN
SMT.SANU S MALAKEEL**

RESPONDENTS:-

- 1. THE KERALA LIVESTOCK DEVELOPMENT BOARD LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR, "GOKULAM",
PATTOM P.O., THIRUVANANTHAPURAM, PIN - 695 004.**
- 2. MANAGING DIRECTOR,
THE KERALA LIVESTOCK DEVELOPMENT BOARD LIMITED,
"GOKULAM", PATTOM P.O., THIRUVANANTHAPURAM,
PIN - 695 004.**
- 3. THE DEPUTY MANAGER,
THE KERALA LIVESTOCK DEVELOPMENT BOARD LIMITED,
REGIONAL SEMEN BANK, CHALAKKUDY - 680 307.**
- 4. THE ASSISTANT MANAGER (A.H),
THE KERALA LIVESTOCK DEVELOPMENT BOARD LIMITED,
REGIONAL SEMEN BANK, THAZHAKKARA P.O.,
MAVELIKKARA - 690 102.**
- 5. SMT. KAVITHA C.N.,W/O.AJIKUMAR,
CHIRAKKARAPUTHANPURAYIL, PERUMPILLICHIRA,
KUMARAMANGALAM, THODUPUZHA, IDUKKI DISTRICT - 685 597.**

R1 TO R4 BY SRI.MILLU DANDAPANI

**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

- EXHIBIT P1. THE TRUE COPY OF THE TENDER NOTICE ISSUED BY THE 4TH RESPONDENT DATED 30.06.2015.
- EXHIBIT P2. THE TRUE COPY OF THE TENDER CONDITIONS ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P3. THE TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE OF THE PETITIONER.
- EXHIBIT P3(A). THE TRUE COPY OF THE INSURANCE CERTIFICATE OF THE VEHICLE OF THE PETITIONER.
- EXHIBIT P4. THE TRUE COPY OF THE COMPLAINT DATED 15.07.15 PREFERRED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.
- EXHIBIT P5. THE TRUE COPY OF THE ORDER EVIDENCING ACCEPTANCE OF THE RATE OF THE 5TH RESPONDENT AND THE AWARD OF THE CONTRACT IN FAVOUR OF THE 5TH RESPONDENT TO THE REGIONAL CENTRE, MAVELIKKARA.
- EXHIBIT P6. THE TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 21.10.2014 IN W.P.(C)NO.19367 OF 2014.
- EXHIBIT P7. THE TRUE COPY OF THE REPRESENTATION PREFERRED BY THE PETITIONER BEFORE THE REGIONAL SEMEN BANK, MUVATTUPUZHA DATED 23.07.2015.
- EXHIBIT P8. THE TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT DATED 24.07.2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P.(C) No. 22716 of 2015 (L)

Dated this the 28th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the 5th respondent had applied for three regions pursuant to Ext.P1 tender. Ext.P1 tender notice was one issued by the official respondents for transportation of Frozen Semen and Liquid Nitrogen.

2. The specific contention taken up by the petitioner, based on Exts.P1 and P2, is that Ext.P2, by Clause 3, specifically speaks of separate tenders to be submitted for the transport contract of each Regional Semen Bank. Again, the special conditions in Ext.P2 would indicate that, when more than one route is operated simultaneously, respective numbers of vehicles according to number of routes are to be made available by the Contractor.

3. The petitioner asserts that the 5th respondent had applied for three areas, being Muvattupuzha, Mavelikkara and Chalakkudy, on the basis of the very same vehicle. In such circumstance, the award of the contract to the 5th respondent is said to be bad and against the specific terms of the notification at Exts.P1 and P2.

4. The learned Standing Counsel for respondents 1 to 4 appears and submits on instruction that the 5th respondent's tender only with respect to Mavelikkara has been accepted. As for Muvattupuzha and Chalakkudy, the petitioner's tenders have been rejected. In Chalakkudy, it is also submitted that, the petitioner was the only tenderer and hence there was a re-tender made.

5. The tender, though submitted with the same vehicle for all the three areas, has been awarded only for Mavelikkara. In such circumstance, there is absolutely no

reason why this Court should interfere with the award of the tender to the 5th respondent.

The writ petition would stand dismissed in limine.

Sd/-
K.VINOD CHANDRAN,
JUDGE