

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 24935 of 2015 (N)

PETITIONER:

**T AXAVIER, AGED 67 YEARS
S/O. AUGUSTINE, CONTRACTOR,
M/S. T.A.XAVIER & SONS
THAREPARAMBIL HOUSE,
PALLURUTHY P.O., KOCHI-682006.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENTS:

- 1. PERINTHALMANNA MUNICIPALITY
PERINTHALMANNA P.O., MALAPPURAM DISTRICT, PIN-679322
REPRESENTED BY ITS SECRETARY.**
- 2. PERINTHALMANNA MUNICIPAL COUNCIL
OFFICE OF THE PERINTHALMANNA MUNICIPALITY
PERINTHALMANNA P.O., MALAPPURAM DISTRICT, PIN-679322
REPRESENTED BY ITS CHAIRPESON.**
- 3. MUNICIPAL ENGINEER
PERINTHALMANNA MUNICIPALITY, PERINTHALMANNA P.O.
MALAPPURAM DISTRICT, PIN -679322.**

**BY ADV.SRI.P.C.SASIDHARAN, SC, PERINTHALMANNA
MUNICIPALITY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE TECHNICAL BID OPENING SUMMARY OF THE TENDER NOTIFICATION ISSUED BY THE 3RD RESPONDENT.**
- EXHIBIT P2- TRUE COPY OF THE PROCEEDING OF THE CHIEF ENGINEER/TENDER INVITING AUTHORITY, DETAILING THE ACCEPTANCE OF THE PREQUALIFICATION TENDER SUBMITTED BY THE PETITIONER.**
- EXHIBIT P3- TRUE COPY OF THE EMAIL DATED 16-7-2015 ISSUED BY THE ASSISTANT ENGINEER UNDER THE RESPONDENTS.**
- EXHIBIT P4- TRUE COPY OF CLAUSE (XV) OF G.O.(P) NO.84/97/PW & T DATED 19-8-97 ISSUED BY THE GOVERNMENT, PERTAINING TO PERFORMANCE GUARANTEE.**
- EXHIBIT P5- TRUE COPY OF G.O.(P)NO. 95/2004/PWD DATED 1-10-2004 ISSUED BY THE GOVERNMENT.**
- EXHIBIT P6- TRUE COPY OF G.O.(P)NO. 03/15/FIN. DATED 5-1-2015 ISSUED BY THE GOVERNMENT.**
- EXHIBIT P7- TRUE COPY OF G.O.(P)NO. 295/15/FIN. DATED 15-7-2015 ISSUED BY THE GOVERNMENT.**
- EXHIBIT P8- TRUE COPY OF THE SELECTION NOTICE NO. E1-4771/03(1) DATED 29-7-2015 ISSUED BY THE 3RD RESPONDENT.**
- EXHIBIT P8(a)- TRUE COPY OF THE REPRESENTATION DATED 8-8-2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXHIBIT P9- TRUE COPY OF THE REPRESENTATION DATED 13-8-2015 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS.**
- EXHIBIT P10- TRUE COPY OF THE ORDER GO (P) NO. 429/15/FIN DATED 28.9.2015 ISSUED BY THE GOVERNMENT**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 24935 OF 2015

Dated this the 07th day of October, 2015

JUDGMENT

The petitioner contends that the conditions imposed in Ext. P8 notice militates against Ext.P7 order of the Government. The petitioner has in this regard submitted Ext. P9 representation seeking to waive the stringent conditions. The petitioner wants a relaxation in respect of the performance guarantee alone.

2. I direct the second respondent Municipal Council to consider Ext.P9 representation within a period of two weeks. Needless to say that the petitioner shall be put on notice and heard in the exercise. The time for performance of the conditions shall stand extended by one week from the disposal of Ext. P9 representation.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS