

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 32078 of 2015 (H)

PETITIONER :

**CHERIAN VARKEY CONSTRUCTION COMPANY (PVT) LTD.,
ENGINEERS & CONTRACTORS, VTH FLOOR, ALFA PLAZA,
K.P.VALLON ROAD, KADAVANTHRA, KOCHIN-682 020,
REPRESENTED BY ITS DIRECTOR GEORGE VARKEY.**

**BY ADVS.SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN
SRI.ARUN THOMAS
SRI.JENNIS STEPHEN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE TECHNICAL EVALUATION COMMITTEE,
PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM,
REPRESENTED BY ITS CHAIRMAN. PIN-695 001**
- 3. THE CHIEF ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS & BRIDGES,
PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM-33.**
- 4. THE SUPERINTENDING ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS & BRIDGES,
SOUTH CIRCLE, THIRUVANANTHAPURAM-33.**

BY GOVERNMENT PLEADER SRI.T.P.SAJID

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE NOTICE INVITING TENDER ISSUED BY THE FOURTH RESPONDENTS.
- P2- TRUE COPY OF THE EXPERIENCE CERTIFICATE ISSUED TO THE PETITIONER FOR THE DESIGN AND CONSTRUCTION OF 5 ROB'S AT PONNURUNNI, ANAYARA, THIRUNAVAYA YARD, DEVDHAR, CHERUVATHUR YARD.
- P3- TRUE COPY OF THE CERTIFICATE FOR COMPLETION OF WORK AND THE CERTIFICATE ISSUED BY THE NATIONAL HIGHWAY AUTHORITY TO THE PETITIONER.
- P4- TRUE COPY OF THE CERTIFICATE ISSUED TO THE PETITIONER FOR EXTENSION OF SOUTH JETTY BY 100 METERS.
- P5- TRUE COPY OF THE CERTIFICATE ISSUED TO THE PETITIONER BY THE DELHI METRO RAIL CORPORATION LTD.
- P6- TRUE COPY OF THE JUDGMENT DATED 9.7.2015 IN W.P[C]NO.17882/2015 OF THIS HONOURABLE COURT.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.32078 of 2015

Dated this the 23rd day of November, 2015

JUDGMENT

The petitioner approached this Court on account of refusal on the part of the respondents to consider the petitioner for technical evaluation for the work in relation to the Thuravoor Pamba road Renovation and Construction of Thykkattusseri Neerekadavu Bye Pass and bridge (Phase IV - Construction of Macheykadavu Neerekadavu Bridge across Vembanadu Lake) .

2. This Court passed an interim order on 26/10/2015 as follows:

“Learned Government Pleader to get instructions in the matter.

Considering the facts and circumstances of the case, there shall be an interim direction to the second respondent to take a decision regarding the Technical Bid submitted by the petitioner in relation to Thuravoor Pamba road Renovation and Construction of Thykkattusseri Neerekadavu Bye Pass and bridge (Phase IV- Construction of Macheykadavu Neerekadavu Bridge across Vembanadu Lake) including preparation of suitable designs, in the light of

the direction of this Court in W.P.(C) No.17882/2015, within a period of two weeks, if the decision is not so far.”

3. Thereafter, the technical evaluation committee found that the petitioner is technically qualified. This Court again passed the order on 17.11.2015 as follows:

“In the light of the proceedings of the Chief Engineer, PWD dated 13.11.2015, there shall be a direction to the second respondent to open the financial bid by the petitioner.”

Based on the above orders, it is admitted by all that the petitioner has quoted lowest amount. In the light of the above, there shall be a direction to the respondents to award the work to the petitioner within one month in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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