

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 33922 of 2014 (M)

PETITIONER(S):

**K.REGHUNATHAN, AGED 69 YEARS
S/O.KOCHU KRISHNAN, T.C.11/748, KRISHNA BHAVAN,
MOSQUE LANE, KESAVADAASAPURAM, PATTOM P.O.,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.K.B.PRADEEP
SRI.ASHOK SURESH**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE,
THIRUVANANTHAPURAM, PIN: 695 001.**

**R1 BY GOVERNMENT PLEADER SMT.K.A.SANGEETHA
R2 BY SRI.P.K.MANOJKUMAR,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 33922 of 2014 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE TENDER NOTIFICATION DATED 25/11/2014.

EXT.P2: TRUE COPY OF THE SAID TENDER SHEDULE Z AE/211/13-14.

**EXT.P3: TRUE COPY OF A TENDER SCHEDULE DOWNLOADED FROM INTERNET
DT NIL.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.M.SHAFFIQUE, J

*** * * * ***

W.P.C.No.33922 of 2014

Dated this the 15th day of January 2015

J U D G M E N T

Petitioner challenges the tender conditions in Ext.P1 which inter alia states that for the purpose of tarring roads, bitumen will be supplied by the Department and the value of the same as per law will be collected from the contractor's bill. According to the petitioner, unless rates are fixed, it will not be possible for the petitioner to submit the tenders.

2. In so far as bitumen price is always restricted in the sense that its price depends upon the value of crude oil which is fixed by the manufacturing company, there will always be slight variation in price which has to be factored and therefore the awarder of the work will not be entitled to state the actual price at the time of actual supply. Under such circumstances, this condition cannot be challenged. Even otherwise, tenderer is not entitled to challenge the tender conditions in terms of the law laid down in the

judgment in **Tata Cellular v. Union of India** [(1994) 6 SCC 651].

This writ petition is hence dismissed.

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

