

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 33741 of 2015 (P)

PETITIONER :

**C.M. ABDUL KHADER, AGED 54 YEARS,
S/O. MOIDEEN KUNJI HAJI, PWD CONTRACTOR,
CHERKALA, CHENGALA P.O., KASARAGOD, PIN-671614**

**BY ADVS.SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL
SRI.P.SAJU
SRI.NIAS MOOPAN
SRI.E.M.UNNIKRISHNAN (MANJERI)**

RESPONDENTS :

- 1. MANAGING DIRECTOR
KERALA WATER AUTHORITY, JAL BHAVAN,
THIRUVANANTHAPURAM - 695033.**
- 2. CHIEF ENGINEER, NORTHERN REGION,
KERALA WATER AUTHORITY, KOZHIKODE.**
- 3. SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, PH CIRCLE, KANNUR-670012.**

BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE SHORT TENDER NOTICE ISSUED BY R1.
- P2 : TRUE COPY OF THE RELEVANT PORTIONS OF VOLUME II OF NIT CONTAINING SPECIFIC SCOPE OF TENDER.
- P3 : TRUE COPY OF THE LETTER DT.19-6-2015 R1 INSTRUCTING TO EXTENDING THE VALIDITY PERIOD OF TENDER.
- P4 : TRUE COPY OF THE LETTER DT.23-7-2015 OF R1 INSTRUCTING TO CANCEL THE TENDER.
- P5 : TRUE COPY OF THE NOTICE DT.18-9-2015 ISSUED TO R1 BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No.33741 of 2015

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Dated this the 4th Day of December, 2015

J U D G M E N T

The petitioner is a contractor. He has taken part in an e-tender floated by the third respondent for the work, namely, "Design, Construction and Commissioning of 6.50m high weir across Kariangode River". The petitioner quoted the lowest rate.

2. The tender has been ordered to be cancelled as per Exhibit P4. It is further ordered that the work has to be retendered after arranging EIA study. The petitioner appears to have approached the Managing Director by Exhibit-P5 lawyer notice. Petitioner submits that he himself has undertaken EIA study as it was a part of the tender and therefore, the work shall be awarded to him.

3. In the above facts and circumstances, the first respondent shall consider Exhibit-P5 after hearing the petitioner and other affected parties within a period of one month.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ms