

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 37464 of 2015 (G)

PETITIONER :

**T.A.XAVIER, 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 CHAIRPERSON.**
- 3. MUNICIPAL ENGINEER, PERINTHALMANNA
MUNICIPALITY, PERINTHALMANNA P.O.,
MALAPPURAM DISTRICT PIN - 679322.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE TECHNICAL BID OPENING SUMMARY OF THE TENDER NOTIFICATION ISSUED BY THE R3.
- P2: COPY OF GO(P) NO. 03/15/FIN. DT 5/1/2015 ISSUED BY THE GOVERNMENT.
- P3: COPY OF GO(P) NO. 295/15/FIN. DT 15/7/2015 ISSUED BY THE GOVERNMENT.
- P4: COPY OF THE SELECTION NOTICE DT 29/7/2015 ISSUED BY THE R3.
- P5: COPY OF THE JUDGMENT DT 7/10/2015 IN WPC NO. 24935/2015 OF THIS HON'BLE COURT.
- P6: COPY OF THE PROCEEDING NO. E1-4771/03(1) DT 3/12/2015 OF THE R3.
- P7: COPY OF CLAUSE (XV) OF GO (P) NO. 84/97/PW&T DT 19/8/1997 ISSUED BY THE GOVERNMENT.
- P8: COPY OF GO(P) NO.13/03/PWD DT 27/1/2003 ISSUED BY THE GOVERNMENT.
- P9: COPY OF THE REPRESENTATION DT 7/12/2015 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. HARILAL, J.

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W.P. (C) No.37464 of 2015

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Dated this the 10th day of December, 2015

J U D G M E N T

In pursuance to a tender notification issued by the 3rd respondent, the petitioner submitted sealed tenders for the construction of Municipal Bus Terminal cum Shopping Complex for Perinthalmanna Municipality, by quoting the rate of 5.1% below the estimate PAC and he happened to be the lowest bidder. As per Ext.P6 notice, the petitioner was directed to furnish a performance security deposit by remitting 5% of the agreed PAC. That is 5% of Rs.8,81,95,076/- and that amount is Rs.44,09,753.80/-; out of which 50% would be deposited in the Treasury, whereas for the balance 50%, bank guarantee would be furnished by the petitioner. Immediately upon getting Ext.P6, the petitioner submitted Ext.P9 representation, before the respondents with prayer to permit the petitioner to execute the

-: 2 :-

agreement by furnishing bank guarantee, for the entire amount of security deposit insisted in Ext.P6. However, no attention has been given to Ext.P9 so far. This is the grievance projected in this Writ Petition.

2. Learned standing counsel appearing for the respondent submits that Ext.P9 will be considered, within a reasonable time. However, the 2nd respondent is directed to consider and pass orders on Ext.P9, within a period of two weeks from the date of receipt of a copy of this judgment.

This writ petition is disposed of accordingly.

Sd/-

**K. HARILAL,
JUDGE**

DST

//True copy//

P.A. To Judge