

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 38791 of 2015 (Y)

PETITIONER(S):

**V.K.SEYTHALAVI, AGED 50 YEARS,
S/O.ALIPU HAJI, VATTAMKANDATHIL HOUSE,
CHUNDAMPATTA (PO), NATTIYAMANGALAM, PATTAMBI,
PALAKKAD DISTRICT, PIN 679 337.**

**BY ADVS.SRI.T.K.SAIDALIKUTTY
SRI.M.I.JOHNSON
SRI.T.K.MOIDEEN KUTTY**

RESPONDENT(S):

- 1. SOUTHERN RAILWAY (PALAKKAD DIVISION),
SOUTHER RAILWAY DIVISIONAL OFFICE, PALAKKAD,
PIN 678 009.**
- 2. CHIEF MEDICAL SUPERINTENDENT,
SOUTHER RAILWAY DIVISIONAL OFFICE, PALAKKAD,
PIN 678 009.**

BY ADV. SRI.C.S.DIAS,SC, RAILWAYS

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 38791 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1:TRUE COPY OF THE LETTER OF ACCEPTANCE NO.J/MD/52/1/CC/TIR
DATED 31.08.2015 ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT**

**P2:TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 27.10.2015
IN WPC.NO.26727/2015**

**P3:TRUE COPY OF THE SECURITY DEPOSIT RECEIPT WORTH RS.2,50,000/-
DATED 11.12.2015 ISSUED BY THE SOUTH INDIAN BANK PULAMANTHOLE
BRANCH**

P4:TRUE COPY OF THE PETITION DATED 14.12.2015 SUBMITTED BY THE PETITIONER

**P5:TRUE COPY OF THE TERMINATION NOTICE DATED 15.12.2015 ISSUED FROM THE
OFFICE OF THE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.38791 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

The petitioner has been awarded with the conservancy work at Tirur Railway Station as per Ext.P1. As per the tender notification, the petitioner has to submit performance guarantee within 60 days from the date of Ext.P1. The petitioner did not submit performance guarantee.

2. As seen from the records, the petitioner could not submit performance guarantee within the time on account of the challenge in respect of the same tender.

In that view of the matter, this Court is of the view that the petitioner is justified in not submitting

performance guarantee within the time. Therefore, after excluding the time taken before this Court the petitioner's request for accepting tender shall be considered. Accordingly, Ext.P5 is set aside.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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