

(2023) 08 KL CK 0184

In the High Court Of Kerala

Case No : Writ Petition (C) No. 27586 Of 2023

Mangalath Constructions

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 21-08-2023

Acts Referred:

Citation : (2023) 08 KL CK 0184

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

**Advocate : Bhanu Thilaks.R.Prasanthvishnu.Rsarun K. Idicula, B.S.Syamantak,
Latha Anand**

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. The above writ petition is filed with following prayers :

"(i) Issue a writ in the nature of mandamus directing the 2nd respondent to permit the petitioner herein to participate in the bidding scheduled by the 2nd respondent.

(ii) issue a writ in the nature of certiorari calling for the records culminated in the issuance of Exts.P3 orders and quash the same.

(iii) Declare that Clause 4.1 of Ext.P1 tender notice is arbitrary and illegal.

(iv) issue such other order or direction, as this Hon'ble Court deem fit and proper to grant."[SIC]

2. The 2nd respondent invited tender for manual collection of beach washings at Ponmana Beach front, mechanized loading and transportation of the same in tippers (rear damp trucks) to the premises of PCP II/MS unit as per Ext.P1 tender notice. It is submitted that the bid list was published on 12.07.2023 and was withdrawn from the site after a short duration of time. Thereafter, it is

submitted that on 16.08.2023, to the utter surprise of the petitioner, the tender summary report was uploaded on the website of the Government in which the petitioner was not included. Ext.P3 is the tender summary report. Since there is no specific mention as to the reason for rejection apart from the mere remark that the applicant had not complied with the technical specification, the petitioner sought for a clarification from the 2nd respondent. Thereafter, the petitioner received a letter as evident by Ext.P4 from the 2nd respondent stating that the application lacks documents in line with tender clause No. 4.1. According to the petitioner, the above finding is incorrect. Different contentions are raised in this writ petition. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing counsel appearing for respondent Nos. 2 and 3. I also heard the Government Pleader who appears for the 4th respondent.

4. The counsel for the petitioner reiterated the contentions raised in this writ petition. The Standing Counsel appearing for the respondent Nos. 2 and 3 submitted that the work is already allotted and it is already commenced on 19.08.2023.

5. After hearing both sides, I think the grievance raised by the petitioner also should be considered by the competent authority among the 2nd respondent. The petitioner can be allowed to submit a representation to the competent authority among the 2nd respondent within one week and there can be a direction to the competent authority to consider the same and pass appropriate orders in it after giving an opportunity of hearing to the petitioner immediately. Till then, status quo as on today shall be continued.

Therefore, this writ petition is disposed of with the following directions :

- 1) The petitioner is free to submit a representation narrating the grievance raised in this writ petition before the competent authority among the 2nd respondent within one week from the date of receipt of a certified copy of this judgment.
- 2) Once such a representation is received, the competent authority of the 2nd respondent will consider the same after giving an opportunity of hearing to a representative of the petitioner and other affected parties and pass appropriate orders in it, as expeditiously as possible, at any rate, within two weeks from the date of receipt of the representation.
- 3) Till then, the status quo as on today shall continue.