

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 29TH DAY OF DECEMBER 2017/8TH POUSHA, 1939

WP(C).No. 42121 of 2017 (M)

PETITIONER(S) :

KAIPUZHA COCONUT PRODUCER COMPANY LTD,
PADINJATTAKKARA P.O., THEVALAKKARA, KOLLAM 690 524
REPRESENTED BY ITS CHAIRMAN,
SHAJAHAN KANJIRAVILAYIL, AGED 65 YEARS,
S/O.MUHAMMED KUNJU, KANJIRAVILAYIL HOUSE,
PADINJATTAKKARA P.O., THEVALAKKARA, KOLLAM 690 524.

BY ADVS.SRI.M.A.ABDUL HAKHIM
SRI.JOSEPH GEORGE (KANNAMPUZHA)

RESPONDENT(S) :

1. KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT, TRIVANDRUM 695 023,
REPRESENTED BY ITS MANAGING DIRECTOR.
2. ASSISTANT TRANSPORT OFFICER,
BUS STATION, KERALA STATE ROAD TRANSPORT CORPORATION,
KARUNAGAPPALLY, PIN 690 518.
3. ESTATE OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT, TRIVANDRUM 695 023.
4. COCOUNT DEVELOPMENT BOARD,
KERA BHAVAN, SRVHS ROAD, KOCHI 682 011.
REPRESTNED BY ITS SECRETARY.

BY ADVS.SRI.SIBY J.MONIPPALLY
SRI.P.C.CHACKO, SC, KERALA STATE ROAD TRANSPORT
CORPN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-12-2017, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

EXHIBIT P1 A PHOTOSTAT COPY OF THE ORDER ISSUED BY THE 3RD
RESPONDENT TO THE PETITIONER RENEWING THE LICENSE DATED 19.04.2016.

EXHIBIT P2 A PHOTOSTAT COPY OF THE LICENSE DEED EXECUTED BY THE
PETITIONER IN FAVOUR OF THE 1ST RESPONDENT DATED 7.1.2015.

EXHIBIT P3 A PHOTOSTAT COPY OF THE RECEIPT ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER FOR PAYMENT OF HALF YEARLY LICENSE FEE
DATED 7.1.2017.

EXHIBIT P4 A PHOTOSTAT COPY OF THE RECEIPT ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER FOR PAYMENT OF HALF YEARLY LICENSE FEE
DATED 19.5.2017.

EXHIBIT P5 A PHOTOSTAT COPY OF THE NOTICE ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER DATED 13.12.2017.

EXHIBIT P6 A PHOTOSTAT COPY OF THE AUCTION/TENDER NOTICE ISSUED
BY THE 2ND RESPONDENT DATED 18.12.2017.

EXHIBIT P7 A PHOTOSTAT COPY OF THE TENDER SUBMITTED BY THE
CHAIRMAN OF THE PETITIONER TO THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P. A. TO JUDGE

Pn

DEVAN RAMACHANDRAN, J.

W.P.(C) No.42121 of 2017

Dated this the 29th day of December, 2017

JUDGMENT

The petitioner claims to be running a Neera stall at the KSRTC Bus station in Karunagappilly. According to him, he has been conducting the shop under a valid license for the last three years and that when tender proceedings were initiated for this year, he had made a quote, which according to him was the highest. His grievance appears to be that even though he was the tenderer who quoted the highest bid, the respondents did not accept the said bid; but chose to cancel the tender itself with the intention of calling for a fresh tender process. The petitioner says that this stand of the respondents is illegal and he prays that the respondents be directed to accept his tender, because it is the highest.

2. I have heard Sri.M.A.Abdul Hakhim, the learned counsel for the petitioner and the learned Standing Counsel appearing for the KSRTC.

3. According to the learned Standing Counsel, even though tender processes were initiated, a decision was taken by the competent Authority, not to accept the bid offered by

the petitioner or by anybody else, since the quote by all of them were much lower than the threshold figures that they had in mind. According to the learned Standing Counsel, the KSRTC has, therefore, now decided to call for a fresh tendering process.

4. I have considered the above submissions and I am of the view that the petitioner cannot seek a vested right to have his bid accepted because the settled law is that such person does not obtain any right until and unless his bid is accepted and a contract is entered into. In such view of the matter, the prayers made in the writ petition cannot be countenanced. That being so, I am guided to consider whether the petitioner can be allowed to continue with the operation of Kiosk on the present contract that he had entered with the KSRTC last year, on the specific condition that he shall evict himself as soon as the a fresh bidder is identified by the KSRTC through the fresh process. Needless to say, that the petitioner would also be entitled to participate in the fresh tendering process and if he is found to be the qualified tenderer, the KSRTC will be entitled to enter into a contract with him, thus allowing him to continue his stall.

In such circumstances, I dispose of this writ petition, reserving liberty to the petitioner to take part in the fresh tendering process to be initiated by the KSRTC and I further direct the respondents not to evict the petitioner and to allow him to conduct the stall purely as on temporary measure, on the same terms as are fixed between them as per the contract of the previous year, subject to the finalisation of the fresh tender proceedings.

Sd/-
DEVAN RAMACHANDRAN
JUDGE

sm/