

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 28TH DAY OF APRIL 2020 / 8TH VAISAKHA, 1942

WP(C).No.3190 OF 2020(W)

PETITIONER :-

M/S. K.V.JOSEPH AND SONS PVT. LTD.,  
KURIEKAL BUILDINGS, EDAPPALLY P.O.,  
COCHIN-682 024, REPRESENTED BY ITS  
MANAGING DIRECTOR MR.K.J.THOMAS.

BY ADVS.

SRI.SANTHOSH MATHEW  
SRI.ARUN THOMAS  
SRI.JENNIS STEPHEN  
SRI.VIJAY V. PAUL  
SRI.ANIL SEBASTIAN PULICKEL  
SMT.DIVYA SARA GEORGE  
SMT.KARTHIKA MARIA

RESPONDENTS :-

- 1 STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,  
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM - 695 001.
- 2 KERALA ROAD FUND BOARD,  
PROJECT MANAGEMENT UNIT, SREEBALA BUILDINGS,  
TC 11/339, 5TH FLOOR, KESTON ROAD, NANTHANCODE,  
KOWDIAR P.O., THIRUVANANTHAPURAM - 695 003,  
REPRESENTED BY ITS PROJECT MANAGER.
- 3 THE PROJECT MANAGER, KERALA ROAD FUND BOARD,  
PROJECT MANAGEMENT UNIT, SREEBALA BUILDINGS,  
TC 11/339, 5TH FLOOR, KESTON ROAD, NANTHANCODE,  
KOWDIAR P.O., THIRUVANANTHAPURAM-695 003.
- 4 TECHNICAL EVALUATION COMMITTEE,  
KERALA ROAD FUND BOARD, PROJECT MANAGEMENT UNIT,  
SREEBALA BUILDINGS, TC 11/339, 5TH FLOOR,  
KESTON ROAD, NANTHANCODE, KOWDIAR P.O.,  
THIRUVANANTHAPURAM-695 003.

- 5 ANTECH CONSTRUCTION COMPANY  
OMVALAYIL, KOLANJERI, KOCHI-682 311,  
REPRESENTED BY ITS PROPRIETOR.
- 6 SUMCON INFRAVENTRUES LLP,  
ROOM NO.10P, GROUND FLOOR, SARVAMANGALA HOUSE,  
5 DR.RAJENDRA PRASAD SARANI (CLIVE ROW),  
KOLKOTA, WEST BENGAL-700 001.

R1 BY SR.GOVERNMENT PLEADER SRI.K.V.MANOJ KUMAR  
R5 BY ADV. SRI.SAJEEV KUMAR K.GOPAL  
R2-R4 BY ADV. SRI.V.RAJASEKHARAN NAIR, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 20-03-2020, THE COURT ON 28-04-2020 DELIVERED THE  
FOLLOWING:

## **JUDGMENT**

**Dated this the 28<sup>th</sup> day of April, 2020**

This writ petition is filed seeking the following reliefs:

*“(i) Call for the records leading to Exhibit.P4 and issue a writ of certiorari or any other appropriate writ or order quashing the same;*

*(ii) Issue a writ of mandamus or any other appropriate writ, order or direction declaring that the petitioner is technically qualified in view of Exhibit.P3 experience certificate whereby the petitioner has executed road work worth Rs.2090 lakhs which is more than 80% of the estimated cost of work of Exhibit.P1 ie, Rs.24,98,19,685.00;*

*(iii) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding respondents 2 to 4 to consider the price bid submitted by the petitioner and award the work in accordance with law;”*

2. Heard the learned counsel for the petitioner, the learned Senior Government Pleader appearing for the 1<sup>st</sup> respondent, the learned Standing Counsel appearing for respondents 2 to 4 as well as the learned counsel appearing for the 5<sup>th</sup> respondent.
3. Tender was invited by Ext.P1 notice for the work of Improvements to Muringoor-Ezhattumugham Road. The estimated cost of the work was Rs.24,98,19,685/- (Rupees Twenty Four Crores Ninety

Eight Lakhs Nineteen Thousand Six Hundred and Eighty Five only).

It was proposed to widen the existing 5.50m wide BT road to 7.00m wide carriage way with BM and BC surface including renewal of base and sub base with GSB and WMM. It was specified in Ext.P1 that the estimate is prepared based on MoRTH specification data and current DSoR with cost index of 31.06%.

Clause 1.3 provided the eligibility for bidders. The relevant clauses read as follows:

*“1.3.1 A Bidder shall be a registered contractor Kerala Public Works Department, Central PWD, Other Central or State Government Departments, State or Central Public Sector Undertakings etc in the required category as specified in the NIT.*

*1.3.2 The Bidder shall have successfully completed at least one similar work costing more than 40% (Forty percentage) of the estimated cost of the work described in the NIT during the last five years. A certificate to this effect from the agreement executing authority of the completed similar shall invariably be submitted along with the tender documents failing which the tenders will not be accepted. The certificate should contain the details such as name of work, agreement number, estimated cost, Contract Price, date of start and completion as per agreement, completed amount of work etc.”*

4. The petitioner bid for the work along with Ext.P3 experience certificate from the Kerala State Construction Corporation. However, by Ext.P4, the petitioner was informed that the bid submitted had been rejected during technical evaluation by the

duly constituted committee for the reason that the petitioner did not have sufficient experience in road work. Respondents 5 and 6 were found to be pre-qualified. The petitioner submitted Ext.P6 representation before the 3<sup>rd</sup> respondent pointing out that Ext.P3 would show that the petitioner had completed road work of Rs.2090 Lakhs and that the petitioner was also doing work for KRFB, Trivandrum for Kankol-Cheemeni Road in Kannur district for Rs.2089 Lakhs and that the work is nearing early completion.

5. It is further submitted by the learned counsel for the petitioner that on the basis of an identical Notice Inviting Tender (NIT), the petitioner had been considered as technically qualified on the basis of Ext.P3 certificate itself and Ext.P7 is produced as evidence of the said fact. It is contended that the action of the 4<sup>th</sup> respondent, in having rejected the tender submitted by the petitioner, was therefore clearly illegal and unsustainable.
6. A statement has been placed on record by the 2<sup>nd</sup> respondent. It is a specific case of the 2<sup>nd</sup> respondent that what was required at Clause 1.3.2 of Ext.P1 was that the petitioner should have successfully completed at least one 'similar' work costing more than 40% of the estimated cost of the work tendered. It is stated that Clause 2.3 and

2.4 of the ITB explained a similar nature of work as being “similar nature of work of any magnitude with a minimum as stated above which is the same nature and type as per contract data”. It is submitted that as per Serial No.10 of the contract data, the nature of work was widening of the existing 5.5m wide BT Road to 7m carriageway with BM and BC.

7. It is stated that the experience certificate produced by the petitioner as Ext.P3 was of construction of new bridges and is not a similar nature of work notified as per Ext.P1. It is stated that the bid was rejected after consideration of all aspects by the Technical Evaluation Committee and that on receipt of Ext.P6, clarification was sought from the Executive Engineer concerned with Ext.P3 work and by Ext.R2(c), it was informed that out of 3.526 km of road work covered by Exhibit P3, only 1.367 km was BM and BC work. It is stated that the petitioner was informed of the fact by Ext.R2(d). It is also stated that Exts.P7 and P8 are totally irrelevant since Ext.P7 NIT was floated on 04.07.2018 and the Standard Bid Document (SBD) adopted in Ext.P1 was made applicable only from 01.04.2019 and the SBD in Ext.P7 work was completely different.

8. It is further contended that the 5<sup>th</sup> respondent had submitted a bid as a joint venture with NKS Construction and Engineers Private Limited and that a certificate of experience was submitted in respect of widening and strengthening of the Ernakulam-Thekkady Road from Parakkavu to Anganvetty and Ext.R2(f) certificate had been produced. The 6<sup>th</sup> respondent had also produced Ext.R2(g) certificate. It is stated that both the works carried out by respondents 5 and 6 were found to be 'similar in nature' and that the contention of the petitioner therefore cannot be accepted.
9. It is further stated regarding the experience certificates produced by respondents 5 and 6 that the details of the work was similar cannot be taken into account since the value of BM and BC work alone is liable to be taken into account for considering eligibility. It is further stated that the work involved the items of work as specifically mentioned in the annexures and the petitioner had not produced any material to show that he had experience in doing works of a similar nature.
10. The 5<sup>th</sup> respondent had placed a counter affidavit on record. Apart from relying on the provisions of the NIT, it is contended that

Ext.P3 certificate produced by the petitioner was devoid of all the details as provided in Clause 2.4 of Ext.P1 and that the comparison of the work tendered in Exts.P1 and P3 would show that the petitioner had no experience in doing a similar work at all. It is stated that no other material could have been taken note of by the respondents, since none of the other documents relied on by the petitioner had been produced along with the tender and the eligibility is to be decided on the basis of the material which is available at the time of considering the eligibility for technical pre-qualification. It is submitted that Ext.R5(a) experience certificate produced by the 5<sup>th</sup> respondent would show that the work executed by the 5<sup>th</sup> respondent was of a similar nature and had a value of more than 40% of the value of the work tendered. It is further submitted at paragraph 12 of the counter affidavit as follows:-

*“12. It is submitted that as per Exhibit R5(c) the BM and BC works is for Rs.6,51,95,521/- and the extent of work is 6876 M<sup>3</sup> as evidenced from Clause 9, 10 and 11. As per Exhibit R5(b) the BM and BC work is for Rs.3,11,37,383.76 and the extent of work is 3847 M<sup>3</sup> as it could be revealed from serial No.23 and 24 of Exhibit R5(b). So the percentage of the BM and BC work is also more than 40% apart from the total cost of the work. As far the petitioner is concerned the BM and BC work done by him is for Rs.1,87,68,132/- as evidenced from Annexure R2(c). It is less than 40% of the BM and BC work as per Exhibit P-1 and Exhibit R3(b). So it is obvious*



*that the petitioner is not at all qualified in any manner and his contention that the 5<sup>th</sup> respondent is not qualified is incorrect.”*

11. A reply affidavit has been placed on record by the petitioner. It is stated that in respect of another work as well, which was tendered by Ext.P15 NIT on 04.01.2020, the petitioner was pre-qualified by the very same Technical Evaluation Committee on the basis of Ext.P3 experience certificate itself. It is stated that the rejection of the petitioner's bid on the basis of Ext.R2(d) email dated 04.02.2020 is illegal. It is further stated that Clause 1.3.2 in Ext.P1 and Clause 1.3.2 in Ext.P15 are identically awarded and the Technical Evaluation Committee, which found the petitioner pre-qualified under Ext.P15 on the basis of Ext.P3 could not have taken a different stand in the case of Ext.P1 NIT.

12. It is further stated in paragraph 10 of the reply affidavit that the 5<sup>th</sup> respondent also does not have experience in doing BM and BC work, which amounts to 40% of the estimated cost of work as shown in Ext.P1 which would come to around Rs.10 Crores and therefore the tender of the 5<sup>th</sup> respondent also ought to have been rejected. A comparative chart of the value of the various items of work

included in Ext.P1 and the rates at which the petitioner bids for the same is produced as Ext.P17. It is contended that, even going by the separate items of work, the value of the work done by the petitioner in the work covered by Ext.P3 would come to Rs.12,71,69,072/- (Rupees Twelve Crore Seventy One Lakhs Sixty Nine Thousand and Seventy Two only), which is more than 40% of the value of the work tendered in Ext.P1. The petitioner has also produced Exts.P11 to P14 documents to show the detailed breakup of the work quoted by the petitioner as covered by Ext.P3 certificate and the list pertaining to the various items of road work extracted therefrom with details of other works completed by him.

13.I have considered the contentions advanced. The question to be decided is whether the rejection of the petitioner's bid at the pre-qualification stage for want of material to show the successful completion of a work of a similar nature having 40% of the value of the work tendered is proper and legal or not. The work tendered by Ext.P1 is specifically as follows:

*PQ TENDER NO. :PWD/PQ-2019-2020/7456/PD KRFB*

*The Chief Engineer, Public Works Department (PWD) O/o  
Project Director, Kerala Road Fund Board, Project  
Management Unit Sreebala Building Tc 11/339. 5th Floor,  
Keston Road, Nanthancode, Kowdiar P. O, Trivandrum-695003*

for and on behalf of the Governor of Kerala invites online bids for the work detailed below from the Registered Bidders of Kerala PWD/Central PWD/Other Central or State Government Departments/State or Central Public Sector Undertakings etc who have successfully completed at least one similar work costing more than 40% (Forty percentage) of the estimated cost of the work within the last five years. A certificate to this effect from the agreement executing authority of the completed similar work shall invariably be submitted along with the tender documents failing which the tenders will not be accepted. The certificate should contain the details such as name of work, agreement number, date of start and completion as per agreement, completed amount of work etc.

1	Name of Work	KIIFB 2017-18 : Improvements to Muringoor-Ezhattumugham Road from Km 0/000 - 17/205, Chalakudy LAC, Thrissur Dist. ( PART TS 1- reach 0/000 to to 12/200 km)
2	Location of Work	Thrissur
3	Estimated Cost of Work	Rs.,249819685.00/-
4	Brief Description of Work	Muringoor-Ezhattumugham road is a major district road and starts from Muringoor Junction in NH 544, Chalakudy LAC in Thrissur District and ends at Ezhattumugham Prakrithigramam park, Angamaly LAC in Ernakulam District. This road is a main access to the tourism destinations like Ezhattumugham, Athirapilly, Vazhachal etc. The improvements to Muringoor-Ezhattumugham road will help to develop the tourist potential of this region and will help to accommodate the increase in the traffic in future. As per the original proposal the work was proposed from 0-000 to 17/205. But the estimate is prepared for a reduced length of 12.200 km from 0/000 to 12/200 (Muringoor to

		<i>Munnoorppilly Jn.) as phase I. From ch 14/850 to 17/205, the road passes through plantation area and this land is under the Forest department and maintenance works done by PWD. Hence estimate for phase II reach (ch12/200 to 17/205) can be proposed only after getting NOC from Forest department. In this Estimate, it is proposed to widen the existing 5.50m wide BT road to 7.00 m wide carriageway with BM&amp;BC surface including renewal of base and sub base with GSB and WMM. The estimate is prepared based on the MoRTH specification data and current DSoR with cost index 31.06%.</i>
5	<i>Bidding procedure</i>	<i>Two Stage</i>
6	<i>Bid Security</i>	<i>Rs.500000/-</i>
7	<i>Bid submission fee (tender fee)</i>	<i>Rs.16540 + 2978 (GST 18%) = 19518/-</i>
8	<i>Period of completion</i>	<i>0 Days 6 months 1 Years</i>
9	<i>Classification of Bidder</i>	<i>A Class</i>
10.	<i>Last date and time for submission of bids</i>	<i>04-01-2020 at 3.00 PM</i>
11.	<i>Pre Bid meeting Date, time and place</i>	<i>21-12-2019 at 3.00 PM, PMU KRFB</i>
12.	<i>Date and time of opening of Technical Bid</i>	<i>07-01-2020 at 11.00 AM</i>

*Bid documents including the Bill of Quantities (BoQ) can be downloaded free of cost from the e-Government Procurement (e-GP) Website [www.etenders.kerala.gov.in](http://www.etenders.kerala.gov.in). All bid documents are to be submitted online only and in the designated cover(s)/ envelope(s) on the e-GP website. Tenders/bids shall be accepted only through online mode on the e-GP website and no manual submission of the same shall be entertained. Late tenders will not be accepted. A bid submission fee shall be remitted online during the time of bid submission.*

*The hard copies of certificates and documents, as detailed in clause 4.4 of Part-I Instructions to the Bidders, shall be submitted subsequently after online submission of bids in a separate cover by registered post/speed post before the date and time of opening of technical bid. Price Bid shall only be submitted through online. Details regarding remittance of Bid Submission Fee, Bid Security, Bid preparation and submission are mentioned in the bid document.*

*The technical bids shall be opened online on 07-01-2020 at 11.00 AM at the office of the O/o Project Director, Kerala Road Fund Board, Project Management Unit Sreebala Building Tc 11/339. 5<sup>th</sup> Floor, Keston Road, Nanthancode, Kowdiar P. O, Trivandrum - 695003 in the presence of the Bidders/ their authorized representatives who wish to attend at the above address. If the tender opening date happens to be on a holiday or non-working day due to any other valid reason, the tender opening process will be done on the next working day at same time and place. The technical bids submitted by the Bidders will be evaluated as per the terms and conditions set out in the bid document for pre-qualification and the price bid of only the pre-qualified Bidders shall be opened. The date and time of opening of the Price bid will be intimated by e-mail to the Bidders who are Pre-qualified after evaluation of Technical Bids and will be published on the notice board at the office of the Tender Inviting Authority.*

*Online Tenders/ bids are to be accompanied with a preliminary agreement executed in Kerala stamp paper worth Rs.200/-. Tenders/ bids received online without the details mentioned in clause 4.4 of Part-I Instructions to the Bidders will not be considered and shall be summarily rejected.*

*More details can be had from the NIT or Office of the Chief Engineer, Public Works Department (PWD) O/o Project Director, Kerala Road Fund Board, Project Management Unit Sreebala Building Tc 11/339. 5th Floor, Keston Road, Nanthancode, Kowdiar P.O, Trivandrum-695003 during working hours.*

*All other existing conditions related to bidding in force in the Kerala Public Works Department will be applicable in this tender also unless expressly defined in the bidding document. The Tender Inviting Authority/Employer shall not be responsible for any failure, malfunction or breakdown of the electronic system while downloading or uploading the documents by the Bidder during the e-procurement process. Details required for e-payment (Details of bank account having core banking facility and email address of the bi) shall be furnished along with the tender. Tenders not accompanied by these details will be rejected. All subsequent Government orders connected to tenders and any revision in the rates of taxes would also be applicable to this tender.*

*The **Chief Engineer**, Public Works Department (PWD), O/o **Project Director**, Kerala Road Fund Board, Project Management Unit Sreebala Building Tc 11/339. 5th Floor, Keston Road, Nanthancode, Kowdiar P.O, Trivandrum - 695003 reserves the right to accept or reject any or all tenders without assigning any reason thereof.*

14. Ext.P3 is admittedly the experience certificate submitted by the petitioner. It is on the basis of the said experience certificate that the respondents had to consider the eligibility of the petitioner for participation in the tender. Clause 2.4 of the NIT, which is produced as Ext.R2(b) specifies that the certificate of experience from the agreement authority of the complete similar work shall be submitted along with the tender document, failing which the tender will be rejected. It is further provided that the certificate should contain the details such as name of

work, agreement number, estimated cost, contract price, date of start and date of completion, whether the work had been completed satisfactorily. For road works, it is specified that the certificates shall contain type of road, carriageway width, type of sub base, base course and the surface course and type of road markings and signages. It is specified that certificates, which do not contain the above details will not be considered for evaluation and the bidder will be disqualified without notice. Ext.P3, as far as it relates to road work states on the following details:

*“PVD, Filling and forming of road to Line & Level sub base, base course & Blacktopping - Rs.2090 Lakhs”*

15. Ext.P13, which is produced by the petitioner himself would show that the experience certificate produced by the 5<sup>th</sup> respondent contained the details of the road work as follows:

*“Earth work, Excavation of hard rock and ordinary rock, PCC 1:3:6, DR, RCC, Reinforcement, M15, GSB, WBM, Prime coat, Tack coat, BM & BC, Sign board, Place identification board etc. Tipper, JCB, Hitachi, Ajax etc.”*

16. The 2<sup>nd</sup> respondent in the statement specifically states that the experience certificate produced by the petitioner did not show that he had completed the required amount of work of a similar nature. This is the point urged by the learned Government Pleader as well. The learned

counsel for the petitioner would contend that the technical bid was not rejected for the reason that Ext.P3 experience certificate was not proper, but that the petitioner did not have the required experience in road work, which is an incorrect statement.

17. On considering the contentions advanced, I find that the Technical Evaluation Committee could have considered only those materials which were placed before it along with the bid submitted by the parties. Ext.P3 experience certificate produced by the petitioner did not disclose that he had experience in doing a similar work of value of 40% of the work tendered. On Ext.P4 rejection of tender, the petitioner submitted Ext.P6 representation and the 2<sup>nd</sup> respondent apparently got a clarification from the authority who issued Ext.P3 certificate. The said material also did not support a different conclusion.

18. Though the petitioner had produced various other materials before this Court to contend that he was, as a matter of fact, pre-qualified for the work in question, I am of the opinion that in view of the fact that the Technical Evaluation Committee could consider only those materials placed before it, the contention of the petitioner that the rejection was vitiated by non consideration of relevant aspects cannot be accepted. The question whether the nature of the work tendered in Ext.P1 and in



Ext.P15 are similar and whether the acceptance of Ext.P3 in the work tendered by Ext.P15 and the refusal to accept the same in the subject work vitiated the rejection are not matters which this Court would be justified in going into in exercise of its jurisdiction under Article 226 of the Constitution of India.

19. It is trite law that the scope of interference by the constitutional courts in the matter of award of contracts is extremely limited. The essential principles of fairness and non-arbitrariness are required to be maintained in the award of Government contracts as well. The Apex Court in **Manohar Lal Sharma v. Narendra Damodardas Modi and others** [2019 (3) SCC 25] has held that scrutiny by judicial review into award of Government contracts is to be limited to the Wednesbury Principle of Reasonableness and absence of mala fides or favouritism. In **Central Coalfields Limited and another v. SLL-SML (Joint Venture Consortium) and others** [(2016) 8 SCC 622] it was held that it is not for the courts to judicially review administrative decisions regarding tenders unless the decision is shown to be arbitrary, irrational, unreasonable, mala fide or biased. It was further held that judicial review will not be exercised to protect private interest or to decide contractual disputes for which the civil courts would have to be

approached. In the light of the pleadings and arguments raised in the instant case, the rejection of the petitioner's bid cannot be held to be so patently unreasonable or arbitrary so as to persuade this Court to exercise its power of judicial review.

In the above view of the matter, I am of the opinion that the challenge raised in this writ petition cannot stand. In view of the fact that the petitioner had produced only Ext.P3 certificate along with the tender which does not disclose that he has the necessary experience for carrying out the work in question, I am of the opinion that a roving inquiry into the actual nature of the work which lead to Ext.P3 would not be justified. The writ petition therefore fails and the same is accordingly dismissed.

**sd/-**

**ANU SIVARAMAN**

**JUDGE**

## APPENDIX

### PETITIONER'S EXHIBITS:

- EXHIBIT P1           A COPY OF THE NOTICE INVITING TENDER ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P2           TRUE COPY OF THE PRICE BID SUBMITTED BY THE PETITIONER.
- EXHIBIT P3           TRUE COPY OF THE EXPERIENCE CERTIFICATE DATED 27.02.2019 ISSUED BY THE KERALA STATE CONSTRUCTION CORPORATION LTD. TO THE PETITIONER.
- EXHIBIT P4           A TRUE COPY OF THE COMMUNICATION RECEIVED BY THE PETITIONER ON 31.01.2020.
- EXHIBIT P5           TRUE COPY OF THE BID OPENING SUMMARY DETAILS.
- EXHIBIT P6           TRUE COPY OF THE REPLY DATED 03.02.2020 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT P7           TRUE COPY OF NOTICE INVITING TENDER ISSUED BY THE 2ND RESPONDENT FOR THE WORK KIIFB-2016-17 STIMULUS PACKAGES-IMPROVEMENTS AND PROVIDING DBM & BC TO KANKOL-CHEEMENI ROAD KM 0/000 TO 10/135 IN KANNUR DISTRICT.
- EXHIBIT P8           TRUE COPY OF THE CERTIFICATE DATED 05.05.2016 PRODUCED BY THE PETITIONER ALONG WITH THE TENDER.
- EXHIBIT P9           TRUE COPY OF THE LETTER OF ACCEPTANCE DATED 06.10.2018 ISSUED TO THE PETITIONER.
- EXHIBIT P10          TRUE COPY OF THE CERTIFICATE DATED 04.02.2020 ISSUED TO THE PETITIONER.
- EXHIBIT P11          TRUE COPY OF THE DETAILED BREAKUP OF THE WORK QUOTED BY THE PETITIONER WHICH IS COVERED BY EXT.P3 CERTIFICATE.
- EXHIBIT P12          TRUE COPY OF THE LIST PERTAINING TO VARIOUS ITEMS OF THE ROAD WORK EXTRACTED FROM EXHIBIT P11

- EXHIBIT P13 TRUE COPY OF THE CERTIFICATE OF EXPERIENCE DATED 6/11/2019 PRODUCED ALONG WITHITS TENDER BY M/S.ANTECH CONSTRUCTION COMPANY.
- EXHIBIT P14 TRUE COPY OF THE COMPLETION CERTIFICATE PRODUCED BY THE TH ALONG WITH ITS TENDER
- EXHIBITP 14(1) TRUE COPY OF THE COMPLETION CERTIFICATE DATED 24/2/2017 PRODUCED BY THE 6TH ALONG WITH ITS TENDER
- EXHIBIT P14(2) TRUE COPY OF THE COMPLETION CERTIFICATE DATED 01/10/2018 PRODUCED BY THE 6TH ALONG WITH ITS TENDER
- EXHIBIT P14(3) TRUE COPY OF THE COMPLETION CERTIFICATE DATED 04.09.2019 PRODUCED BY THE 6TH ALONG WITH ITS TENDER.
- EXHIBIT P15 TRUE COPY OF THE RELEVANT PAGES OF THE NOTICE INVITING TENDER DATED 4-1-2020.
- EXHIBIT P16 TRUE COPY OF THE TENDER SUMMARY REPORT.
- EXHIBIT P17 TRUE COPY OF THE COMPARATIVE CHART OF ITEM OF WORK INCLUDED IN EXT P2 AND EXT. P11 RELATING TO ROAD WORK.

RESPONDENTS' EXHIBITS:

- ANNEXURE R2(a) : TRUE COPY OF THE RELEVANT PAGES OF ITB.
- ANNEXURE R2(b) : TRUE COPY OF THE RELEVANT PAGE OF CONTRACT DATA.
- ANNEXURE R2(c) : TRUE COPY OF THE REPLY SENT BY THE EXECUTIVE ENGINEER, BRIDGES DIVISION, KOTTAYAM.
- ANNEXURE R2(d) : TRUE COPY OF THE COMMUNICATION DATED 04.02.2020 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- ANNEXURE R2(e) : THE RELEVANT PAGE OF THE MOU.
- ANNEXURE R2(f) : TRUE COPY OF THE CERTIFICATE PRODUCED BY THE 5TH RESPONDENT.
- ANNEXURE R2(g) : TRUE COPY OF THE CERTIFICATE PRODUCED BY THE 6TH RESPONDENT.

**ANNEXURE R2(h) : TRUE COPY OF THE RELEVANT PAGE CONTAINING  
CLAUSE 3.1.H.**

**ANNEXURE R2(i) : TRUE COPY OF THE CERTIFICATE PRODUCED BY  
THE 5TH RESPONDENT SHOWING THAT SRI.NIRMAL KUMAR SWAIN, IS  
THE MANAGING DIRECTOR OF M/S.NKS CONSTRUCTION COMPANY AND  
ENGINEERS PVT, LTD, ALONG WITH THE BID OF THE 5TH  
RESPONDENT.**

**ANNEXURE R2(j) : TRUE COPY OF THE RELEVANT PAGE OF ESTIMATE.**

**EXHIBIT R-5(a) TRUE COPY OF THE CERTIFICATE OF EXPERIENCE  
ISSUED BY THE EXECUTIVE ENGINEER, PWD,  
ROADS DIVISION, IDUKKI DATED 6/11/2019**

**EXHIBIT R-5(b) TRUE COPY OF PERCENTAGE OF BILL OF  
QUANTITIES WITH RESPECT TO THE WORK AS PER  
EXT.P5 A**

**EXHIBIT R-5(c) TRUE COPY OF THE DETAILED ESTIMATE AS FAR  
AS THE WORK COVERED UNDER EXHIBIT P1**

//TRUE COPY//

P. A. TO JUDGE