

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH P.

FRIDAY, THE 15TH DAY OF MAY,2020/25TH VAISAKHA, 1942

W.P(C) NO. 9973 OF 2020

PETITIONER:-

JAIN BUILDERS, 216(C), SHIVA COLONY,
MAYO LINK ROAD, AJMER - 305 007,
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER
PRAFUL JAIN, S/O. SUBODH JAIN

BY ADV. DEEPU THANKAN

RESPONDENTS:-

1. UNION OF INDIA,MINISTRY OF DEFENCE,
MILITARY ENGINEER SERVICE,
DIRECTORATE OF CONTRACT MANAGEMENT,
KASHMIR HOUSE, RAJAJI MARG NEW DELHI-110011
REPRESENTED BY ITS ENGINEER-IN-CHIEF
2. CHIEF ENGINEER,MILITARY ENGINEER SERVICE,
HEAD QUARTERS CENTRAL COMMAND,LUCKNOW - 226 002.
3. CHIEF ENGINEER (NW),MILITARY ENGINEER SERVICE,
SOUTHERN NAVAL COMMAND,NAVAL BASE P.O.,
KOCHI - 682 004.
4. CHIEF ENGINEER,HEAD QUARTERS
SOUTHERN COMMAND,PUNE - 411 004.

BY ASGI SRI.P.VIJAYAKUMAR

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 15.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Admit.

2. The Assistant Solicitor General of India takes notice for R1 to R4.

3. In view of the fact that the Rajasthan High Court has already granted Ext.P6 order interdicting the MES from passing any final orders on the proposal to suspend the business dealings with the petitioner firm there will be an interim order directing that any tender submitted by the petitioner shall not be rejected on the ground that there is a proposal to suspend business dealings with the petitioner.

4. It is made clear that this order is purely provisional and will not in any manner treated as an order finding the petitioner eligible for award of work. Any award of work to the petitioner shall be effected only after obtaining further orders from this Court.

**GOPINATH P.
JUDGE**

APPENDIX

PETITIONERS EXHIBITS:

<p><u>EXHIBIT P-1</u> :- TRUE COPY OF THE FIR NO. DELHI CBI/AC-I RC AC. 1 2018 A 0012 DATED 01/07/2018</p>
<p><u>EXHIBIT P-2</u> :- TRUE COPY OF THE TENDER OPENING SUMMERY OF THE SECOND RESPONDENT NAMELY PROVISION OF DEFICIENT MARRIED ACCOMMODATION FOR SAILORS AT MUNDAMVELI KOCHI (192 LEADINGS) DATED 04/06/2018</p>
<p><u>EXHIBIT P-3</u> :- TRUE COPY OF THE TENDER OPENING SUMMERY OF THE SECOND RESPONDENT NAMELY PROVISION OF DEFICIENT MARRIED ACCOMMODATION FOR SAILORS AT INS DRONACHARYA (96 MCPO) DATED 06/06/2018</p>
<p><u>EXHIBIT P-4</u> :- TRUE COPY OF THE COMMUNICATION NO. 980013/1/S-98/421/E8CC DATED 18/07/2018 ISSUED BY THE SECOND RESPONDENT</p>
<p><u>EXHIBIT P-5</u> :- TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE SECOND RESPONDENT DATED 20/08/2018</p>
<p><u>EXHIBIT P-6</u> :- TRUE COPY OF THE INTERIM ORDER IN S.B. CIVIL WRITS NUMBER 20542/2018 OF THE HIGH COURT OF RAJASTHAN DATED 27/09/2018</p>
<p><u>EXHIBIT P-7</u> :- TRUE COPY OF THE WLR FOR CONTRACTORS FOR THE QUARTER ENDING DECEMBER 2019 DATED 16/03/2020 ISSUED BY THE SECOND RESPONDENT</p>
<p><u>EXHIBIT P-8</u> :- A TRUE COPY OF THE WLR FOR CONTRACTORS FOR THE QUARTER ENDING SEPTEMBER 2019 DATED 16/12/2019 ISSUED BY THE THIRD RESPONDENT</p>
<p><u>EXHIBIT P-9</u> :- A TRUE COPY OF THE TECHNICAL TENDER OPENING REPORT PUBLISHED BY THE SERVICES/ ADG (CG AND PROJECT) CHENNAI AND CE (CG) GOA MES</p>
<p><u>EXHIBIT P-10</u> :- A TRUE COPY OF THE REQUEST SUBMITTED BY</p>

THE PETITIONER DATED 15/03/2020 TO THE FIRST RESPONDENT

EXHIBIT P-11 :- A TRUE COPY OF THE DETAILS OF THE TENDER NOTIFICATION FOR THE PROVISION OF DEFICIENT ACCOMMODATION SINGLE LIVING ACCOMMODATION FOR DSC PERSONNEL AT INS ZAMORIN, EZHIMALA DATED 14/05/2020

EXHIBIT P-12 :- A TRUE COPY OF THE DETAILS OF THE TENDER NOTIFICATION FOR PROVISION OF DEFICIENT MARRIED ACCOMMODATION FOR OFFICERS AT INS DRONACHARYA, KOCHI DATED 14/05/2020