

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

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

W.P(C) TMP NO.194 OF 2020

PETITIONERS:

1. M/S. MKMS BUILDERS,
REPRESENTED BY ITS MANAGING PARTNER,
A. SHAJAHAN SAIT,
AGED 52, S/O M.S.ABDUL SALAM
HEAD OFFICE AT NO.23, CHAMIERSROAD,
NANDANAM, CHENNAI - 600035,
2. SHAJAHAN SAIT,
MANAGING PARTNER,
M/S MKMS BUILDERS,
AGED 52, S/O M.S.ABDUL SALAM,
RESIDING AT:

BY: ADVOCATE SURYA BINOY

RESPONDENT/RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE DEPARTMENT OF
GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM PIN 695001.
2. KERALA INFRASTRUCTURE AND TECHNOLOGY FOR EDUCATION
(KITE), REPRESENTED BY ITS CHAIRMAN AND MANAGING
DIRECTOR. SCERT BUILDING, KARAMANA THIRUMALA ROAD
POOJAPPURA, THIRUVANANTHAPURAM, PIN 695012
3. THE PROJECT MANAGER,
KERALA INFRASTRUCTURE AND TECHNOLOGY FOR EDUCATION
(KITE), SCERT BUILDING, KARAMANA THIRUMALA ROAD
POOJAPPURA, THIRUVANANTHAPURAM, PIN 695012

4. THE COORDINATOR TECHNICAL,
KERALA INFRASTRUCTURE AND TECHNOLOGY FOR EDUCATION
(KITE), SCERT BUILDING, KARAMANA THIRUMALA ROAD
POOJAPPURA, THIRUVANANTHAPURAM, PIN 695012

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
28.04.2020, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

BECHU KURIAN THOMAS, J.

W.P(C) TMP NO.194 OF 2020

Dated this the 28th day of April, 2020

ORDER

Post the writ petition on 8.5.2020.

**BECHU KURIAN THOMAS,
JUDGE**

csl

APPENDIX

PETITIONERS EXTS:

EXHIBIT.P1: TRUE COPY OF THE LETTER OF ALLOTMENT DATED 18.04.2018 SIGNED ON 19.04.2018

EXHIBIT.P2: TRUE COPY OF THE AGREEMENT DATED 10.05.2018 SIGNED BETWEEN THE 1ST PETITIONER FIRM AND THE 2ND RESPONDENT

EXHIBIT.P3: TRUE COPY OF THE AGREEMENT DATED 03.02.2020 IN RESPECT OF GHS VECHOOCHIRA COLONY AND GBHSS ADOOR

EXHIBIT.P4: TRUE COPY OF THE FINAL SHOW CAUSE NOTICE DATED 12.02.2020

EXHIBIT.P5: TRUE COPY OF THE INITIAL REPLY FILED BY THE 1ST PETITIONER FIRM DATED 17.02.2020 TO THE FINAL SHOW CAUSE NOTICE

EXHIBIT.P6: TRUE COPY OF THE DETAILED REPLY FILED BY THE 1ST PETITIONER FIRM DATED 18.02.2020 TO THE FINAL SHOW CAUSE NOTICE

EXHIBIT.P7: TRUE COPY OF THE TERMINATION PROCEEDINGS DATED 26.02.2020 ISSUED BY THE 4TH RESPONDENT

EXHIBIT.P8: TRUE COPY OF THE INTERIM ORDER DATED 05.03.2020 PASSED BY THIS HON'BLE COURT IN WP(C) 6762 OF 2020

EXHIBIT.P9: TRUE COPY OF THE FRESH TENDER NOTIFICATION DATED 13.03.2020

EXHIBIT.P10: TRUE COPY OF THE REPRESENTATION DATED 24.03.2020 FILED BY THE 1ST PETITIONER FIRM BEFORE THE RESPONDENTS

EXHIBIT.P11: TRUE COPY OF THE DETAILED REPRESENTATION DATED 24.03.2020 FILED BY THE THE 1ST PETITIONER FIRM BEFORE THE RESPONDENTS

EXHIBIT.P12: TRUE COPY OF THE CORRIGENDUM DATED 28.03.2020

EXHIBIT P13: TRUE COPY OF THE REPRESENTATION DATED 04.04.2020 FILED BY THE 1ST PETITIONER FIRM BEFORE THE CHIEF MINISTER OF KERALA

EXHIBIT P14: TRUE COPY OF THE EMAIL DATED 05.04.2020 RECEIVED FROM THE CHIEF MINISTER'S OFFICE

EXHIBIT P15: TRUE COPY OF THE REPRESENTATION DATED 06.04.2020.

EXHIBIT P16: TRUE COPY OF THE GO DATED 30.07.2015 ISSUED BY THE MINISTRY OF FINANCE

EXHIBIT P17: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 24.04.2020 IN WP(C) TMP 144 OF 2020

EXHIBIT P18: TRUE COPY OF THE RE-TENDER PROCEEDINGS DATED 18.04.2020 FLOATED BY THE 2ND RESPONDENT

EXHIBIT P.19: PHOTOGRAPH OF THE CONSTRUCTION AT GBHSS ADOOR AT THE TIME OF TERMINATION OF CONTRACT

EXHIBIT P19(A): PHOTOGRAPH OF THE CONSTRUCTION AT GHSS VECHICHIRA COLONY AT THE TIME OF TERMINATION OF CONTRACT

EXHIBIT P19(B): PHOTOGRAPH OF THE CONSTRUCTION AT GHSS KONNI AT THE TIME OF TERMINATION OF CONTRACT

EXHIBIT P19(C): PHOTOGRAPH OF THE CONSTRUCTION AT GHSS KADAPRA AT THE TIME OF TERMINATION OF CONTRACT

EXHIBIT P19(D): PHOTOGRAPH OF THE CONSTRUCTION AT GHS KOZHENCHERRY AT THE TIME OF TERMINATION OF CONTRACT

