PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 31^{ST} DAY OF MARCH 2023 / 10TH CHAITHRA, 1945

WP(C) NO. 33174 OF 2022

PETITIONER:

SALI P.MATHAI

AGED 54 YEARS

S/O.MATHAI, PULIMANACKAL HOUSE, MANAKKADU.P.O, THODUPUZHA TALUK, IDUKKI DISTRICT-685608.

BY ADVS.

GEORGE MATHEW

M.D.SASIKUMARAN

PRAVEEN S.

SUNIL KUMAR A.G

DIPU JAMES

MATHEW K.T.

GEORGE K.V.

STEPHY K REGI

RESPONDENTS:

- 1 STATE OF KERALA

 REPRESENTED BY ITS SECRETARY,

 WATER RESOURCES DEPARTMENT, GOVERNMENT SECRETARIAT,

 THIRUVANANTHAPURAM-695001.
- 2 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
 JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM-695033.
- THE SUPERINTENDING ENGINEER,
 OFFICE OF THE SUPERINTENDING ENGINEER, P.H.CIRCLE,
 KERALA WATER ATHORITY, ERNAKULAM DISTRICT-682011.

R1 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT PLEADER
R2 & R3 BY SRI. P.M. JOHNY, STANDING COUNSEL

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY FRIDAY, THE $31^{\rm ST}$ DAY OF MARCH 2023 / 10TH CHAITHRA, 1945 WP(C) NO. 33310 OF 2022

PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY LTD 602, SHIV TOWER, PATTO PLAZA, PANAJI, GOA.

REP. BY ITS MANAGING DIRECTOR, PIN - 403001

BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS:

- 1 KERALA WATER AUTHORITY

 JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM.

 REP. BY ITS MANAGING DIRECTOR, PIN 695033
- THE SUPERINTENDING ENGINEER
 O/O. SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY, P H CIRCLE (KOZHIKODE),
 MALAPARAMBA.P.O., KOZHIKODE., PIN 673009
 BY SRI. P.M. JOHNY, STANDING COUNSEL

W.P.(C.) No. 33174/2022 & connected cases

3

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT

PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY PVT LTD.

602, SHIV TOWER, PATTO PLAZA, PANAJI, GOA REP. BY ITS MANAGING DIRECTOR., PIN - 403001

BY ADVS.

P.SHANES METHAR

N.KRISHNA PRASAD

RESPONDENTS:

- 1 KERALA WATER AUTHORITY

 JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM.

 REP. BY ITS MANAGING DIRECTOR., PIN 695033
- THE SUPERINTENDING ENGINEER
 O/O. SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY, P H CIRCLE (KOZHIKODE)
 MALAPARAMBA.P.O., KOZHIKODE, PIN 673009

BY SRI. P.M. JOHNY, STANDING COUNSEL

W.P.(C.) No. 33174/2022 & connected cases

4

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY FRIDAY, THE 31ST DAY OF MARCH 2023 / 10TH CHAITHRA, 1945 WP(C) NO. 39533 OF 2022

PETITIONER:

RAJEEV N R AGED 55 YEARS NEERIYALIL HOUSE, VADAYAMBADI.P.O., ERNAKULAM, PIN - 682308

BY ADVS. P. SHANES METHAR N.KRISHNA PRASAD BHARATH MOHAN

RESPONDENTS:

- 1 KERALA WATER AUTHORITY JALA BHAVAN, VELLAYAMBALAM.P.O., THIRUVANANTHAPURAM. REP. BY ITS MANAGING DIRECTOR, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER O/O. THE SUPERINTENDING ENGINEER, (KWA) P H CIRCLE KANNUR, P.H CIRCLE BUILDING, THANA, KANNUR., PIN - 670012

BY SRI. P.M. JOHNY, STANDING COUNSEL

W.P.(C.) No. 33174/2022 & connected cases

5

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY FRIDAY, THE 31ST DAY OF MARCH 2023 / 10TH CHAITHRA, 1945 WP(C) NO. 40212 OF 2022

PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY LTD 602, SHIV TOWER, PATTO PLAZA, PANAJI, GOA. REP. BY ITS MANAGING DIRECTOR., PIN - 403001

BY ADVS.

P.SHANES METHAR

N.KRISHNA PRASAD

RESPONDENTS:

- 1 KERALA WATER AUTHORITY REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER O/O. SUPERINTENDING ENGINEER, KERALA WATER AUTHORITY, P H CIRCLE (MALAPPURAM), MALAPPURAM., PIN - 676505

BY SRI. P.M.JOHNY, SC, KERALA WATER AUTHORITY

PETITIONER:

TOMCO ENGINEERING (P) LTD
PALANATTIL, KUNNACKAL.P.O., MUVATTUPUZHA,
ERNAKULAM.
REPRESENTED BY ITS MANAGING DIRECTOR,
PIN - 682316

BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS:

- 1 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
 VELLAYAMBALAM P.O., THIRUVANANTHAPURAM.,
 PIN 695033
- 2 SUPERINTENDING ENGINEER
 O/O. SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY (P H CIRCLE THRISSUR),
 HIGH ROAD, SAKTHAN THAMPURAN NAGAR,
 THRISSUR, PIN 680006

BY SRI. GEORGIE JOHNY, SC, KERALA WATER AUTHORITY

W.P.(C.) No. 33174/2022 & connected cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

PETITIONER:

KANNANNORINFRATECH (P) LTD

2ND FLOOR, DELSHE TOWER, LIC ROAD, TALAP, CIVIL
STATION .P.O., KANNUR.
REP. BY ITS MANAGING DIRECTOR, PIN - 670002

BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS:

- 1 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 JALABHAVAN, VELLAYAMBALAM P.O.,
 THIRUVANANTHAPURAM., PIN 695033
- 2 SUPERINTENDING ENGINEER
 O/O. SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY (P H CIRCLE
 THIRUVANANTHAPURAM), VELLAYAMBALAM.P.O.,
 THIRUVANANTHAPURAM, PIN 695033

BY SRI. GEORGIE JOHNY, SC, KERALA WATER AUTHORITY

PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY LTD 602, SHIV TOWER, PATTO PLAZA, PANAJI, GOA, REP. BY ITS MANAGING DIRECTOR, PIN - 403001

BY ADVS.

P.SHANES METHAR

N.KRISHNA PRASAD

RESPONDENTS:

- 1 KERALA WATER AUTHORITY
 REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN,
 VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN 695033
- 2 THE SUPERINTENDING ENGINEER
 O/O. SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY, P H CIRCLE (KOZHIKODE)
 MALAPARAMBA.P.O., KOZHIKODE., PIN 673009

BY P.M.JOHNY, SC, KERALA WATER AUTHORITY

W.P.(C.) No. 33174/2022 & connected cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY LTD 602, SHIV TOWER, PATTO PLAZA, PANAJI, GOA REP. BY ITS MANAGING DIRECTOR., PIN - 403001 BY ADV P.SHANES METHAR

RESPONDENTS:

- 1 KERALA WATER AUTHORITY
 REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN,
 VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN 695033
- THE SUPERINTENDING ENGINEER
 O/O. SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY, P H CIRCLE (KOZHIKODE)
 MALAPARAMBA.P.O., KOZHIKODE., PIN 673009
 BY P.M.JOHNY, SC, KERALA WATER AUTHORITY

PETITIONERS:

DAVID MANGAN,
AGED 60 YEARS
S/O M. C. VARGHESE,
MANGAN HOUSE, PALLISSERY,
ARATTUPUZHA P.O.,
THRISSUR DISTRICT - 680562.

BY ADV K.SHAJ

- 1 THE KERALA WATER AUTHORITY,

 JALABHAVAN, VELLAYAMBALAM P.O.,

 THIRUVANANTHAPURAM DISTRICT 695033,

 REPRESENTED BY ITS MANAGING DIRECTOR.
- THE SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY,
 OFFICE OF THE SUPERINTENDING ENGINEER,
 PUBLIC HEALTH CIRCLE, HIGH ROAD,
 SAKTHAN THAMPURAN NAGAR,
 THRISSUR DISTRICT 680021.
- THE EXECUTIVE ENGINEER,
 NATTIKA, KERALA WATER AUTHORITY,
 OFFICE OF THE EXECUTIVE ENGINEER,
 P H DIVISION, NATTIKA,
 THRISSUR DISTRICT-680566.
- THE STATE OF KERALA,

 REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,

 WATER RESOURCES DEPARTMENT,

 GOVERNMENT SECRETARIAT,

W.P.(C.) No. 33174/2022 & connected cases

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THIRUVANANTHAPURAM 695001.

R1 TO R3 BY SRI. V.V. JOSHY, STANDING COUNSEL R4 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT PLEADER

PETITIONER:

DIL M. GOVIND
AGED 43 YEARS
S/O. M. A. GOVINDAN,
MARATT HOUSE, KIZHOOR P.O,
KUNNAMKULAM, THRISSUR DISTRICT,
KERALA - 680 523

BY ADV. K.SHAJ

- 1 THE KERALA WATER AUTHORITY,
 JALABHAVAN,
 VELLAYAMBALAM P.O.,
 THIRUVANANTHAPURAM DISTRICT 695 033
 REPRESENTED BY ITS MANAGING DIRECTOR.
- THE SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY,
 OFFICE OF THE SUPERINTENDING ENGINEER,
 PUBLIC HEALTH CIRCLE,
 HIGH ROAD,
 SAKTHAN THAMPURAN NAGAR,
 THRISSUR DISTRICT 680 021
- 3 THE EXECUTIVE ENGINEER,
 NATTIKA, KERALA WATER AUTHORITY,
 OFFICE OF THE EXECUTIVE ENGINEER,
 P H DIVISION, NATTIKA,
 THRISSUR DISTRICT 680 566

PLEADER

THE STATE OF KERALA, REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY, WATER RESOURCES DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001 R1 TO R3 BY SRI. V.V. JOSHY, STANDING COUNSEL R4 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT

PETITIONER:

M/S. NAVEEN CONSTRUCTION CORPORATION
NEAR EDAPALLY RAILWAY GATE,
AIMS PONEKARA P.O., ERNAKULAM, KOCHI - 682 041,
REP. BY ITS MANAGING PARTNER,
N. SUGATHAN,
AGED 76 YEARS, S/O. NARAYANAN,
ILLIKATTU HOUSE, NEAR EDAPALLY RAILWAY GATE,
ERNAKULAM - 682 041.

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
PRAVEEN S.
SUNIL KUMAR A.G
DIPU JAMES
MATHEW K.T.
GEORGE K.V.

STEPHY K REGI & ADARSH KURIAN

- 1 THE STATE OF KERALA
 REPRESENTED BY ITS SECRETARY,
 WATER RESOURCES DEPARTMENT,
 GOVERNMENT SECRETARIAT,
 THIRUVANANTHAPURAM 695 001.
- 2 KERALA WATER AUTHORITY,
 REPRESENTED BY ITS MANAGING DIRECTOR,
 HEAD OFFICE, JALA BHAVAN,
 VELLAYAMBALAM,
 THIRUVANANTHAPURAM-695 033.

3 THE SUPERINTENDING ENGINEER, OFFICE OF THE SUPERINTENDING ENGINEER, P.H. CIRCLE, KERALA WATER AUTHORITY, THRISSUR DISTRICT - 680 001.

R1 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT **PLEADER**

R2 & R3 BY SRI. V.V. JOSHY, STANDING COUNSEL

PETITIONER:

REENA ENGINEERS AND CONTRACTORS (P) LTD REPRESENTED BY ITS MANAGING DIRECTOR, 602, SHIV TOWER, PATTO PLAZA, PANAJI, GOA, PIN - 403001

BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS:

- 1 KERALA WATER AUTHORITY
 JALA BHAVAN, VELLAYAMBALAM,
 THIRUVANANTHAPURAM,
 REP. BY ITS MANAGING DIRECTOR.,
 PIN 695033
- THE SUPERINTENDING ENGINEER,
 O/O. SUPERINTENDING ENGINEER, KERALA WATER
 AUTHORITY, P H CIRCLE (THRISSUR) HIGH ROAD.
 SAKTHANTHAMPURAN NAGAR, THRISSUR.H.P.O.,
 THRISSUR., PIN 680001

BY SRI. P.M.JOHNY, SC, KERALA WATER AUTHORITY

PETITIONER:

CHAVDA KIRTISINH KARANSINH

AGED 35 YEARS

PROPRIETOR M/S. RAVI CONSTRUCTION COMPANY, 26,

UMIYANAGAR SOC., BHIND KALYAN MILL, NARODA ROAD,

AHMEDABAD, GUJARAT, PIN - 382330

BY ADVS.
R.JAIKRISHNA
NARAYANI HARIKRISHNAN
T.G.MADHAVANUNNI
C.S.ARUN SHANKAR
ANISH P.

RESPONDENTS:

- 1 THE KERALA WATER AUTHORITY

 JALABHAVAN, VELLAYAMBALAM P.O,

 THIRUVANANTHAPURAM,

 REPRESENTED BY ITS MANAGING DIRECTOR.,

 PIN 695010
- 2 SUPERINTENDING ENGINEER
 OFFICE SUPERINTENDING ENGINEER, P.H CIRCLE,
 MALAPARAMBA P.O KOZHIKODE, PIN 673009

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.03.2023, ALONG WITH W.P.(C.)NO.33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BY SRI.P.M.JOHNY, SC, KERALA WATER AUTHORITY

PETITIONER:

VISWANATHAN
AGED 62 YEARS
MECHERIL HOUSE,
EDAYAR, BINANIPURAM.P.O.,
ERNAKULAM, PIN - 683502

BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

- 1 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 JALA BHAVAN, VELLAYAMBALAM,
 THIRUVANANTHAPURAM., PIN 695033
- 2 SUPERINTENDING ENGINEER
 O/O. THE SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY,
 PH CIRCLE (THRISSUR),
 HIGH ROAD, SAKTHAN THAMPURAN NAGAR,
 THRISSUR., PIN 680001
- 3 UNION OF INDIA
 REP. BY ITS SECRETARY,
 MINISTRY OF MICRO SMALL AND MEDIUM ENTERPRISES,
 NIRMAN BHAVAN, 7TH FLOOR,
 MOULANA AZAD ROAD,
 NEW DELHI., PIN 110018

W.P.(C.) No. 33174/2022 & connected cases

PLEADER

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STATE OF KERALA REP. BY ITS SECRETARY, DEPARTMENT OF WATER RESOURCES, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001

> R1 & R2 BY SRI. P.M. JOHNY, STANDING COUNSEL R3 BY SRI. MANU S., DSGI R4 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT

PETITIONER:

M/S. SURENDRA INFRASTRUCTURE PVT. LTD
AGED 58 YEARS
HEAD OFFICE, 9, EZRA STREET, 2ND FLOOR,
KOLKATA - 700 001,
REPRESENTED BY ITS SITE ENGINEER,
P.S. SURESH,
AGED 58 YEARS, PULATTU HOUSE,
THOTTKATTUKARA, ALUVA, PIN - 683108

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
ELSA DENNY PINDIS
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

- 1 STATE OF KERALA
 REPRESENTED BY ITS SECRETARY,
 WATER RESOURCES DEPARTMENT,
 GOVERNMENT SECRETARIAT,
 THIRUVANANTHAPURAM, PIN 695001
- 2 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 HEAD OFFICE, JALA BHAVAN, VELLAYAMBALAM,
 THIRUVANANTHAPURAM, PIN 695033

THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER,
P.H. CIRCLE, KERALA WATER AUTHORITY,
HOSPITAL ROAD, ERNAKULAM, PIN - 682011
R1 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT
PLEADER
R2 & R3 BY SRI. P.M. JOHNY, STANDING COUNSEL

PETITIONER:

B. UNNIKRISHNAN NAIR,
SAROVILLA, KADAVILA,
VANCHIYOOR PO,
ALAMCODE, ATTINGAL,
THIRUVANANTHAPURAM DISTRICT.,
PIN - 695102

BY ADVS.
V.PREMCHAND
SURYA MOHAN P.
FATHIMA SHALU S.

RESPONDENTS:

- 1 THE KERALA WATER AUTHORITY,

 JALA BHAVAN, THIRUVANANTHAPURAM,

 REPRESENTED BY ITS MANAGING DIRECTOR,

 PIN 695033
- 2 THE SUPERINTENDING ENGINEER,
 PUBLIC HEALTH CIRCLE,
 KERALA WATER AUTHORITY,
 KOLLAM., PIN 695033

BY SRI. P.M.JOHNY, STANDING COUNSEL

PETITIONER:

ASHRAF M

AGED 46 YEARS

S/O. KAMMETH HAJI,

MOOLAMKUZHIYIL HOUSE,

PAZHAMALOOR P.O., KOOTTILANGADI,

MALAPPURAM, PIN - 676506

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

- 1 STATE OF KERALA
 REPRESENTED BY ITS SECRETARY,
 WATER RESOURCES DEPARTMENT,
 GOVERNMENT SECRETARIAT,
 THIRUVANANTHAPURAM, PIN 695001
- 2 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 HEAD OFFICE, JALA BHAVAN, VELLAYAMBALAM,
 THIRUVANANTHAPURAM, PIN 695033

THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, P.H. CIRCLE,
PALAKKAD, PALAKKAD DISTRICT, PIN - 678001
R1 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT
PLEADER
R2 & R3 BY SRI.P.M.JOHNY, STANDING COUNSEL

PETITIONER:

B UNNIKRISHNAN NAIR,
RESIDING AT SAROVILLA, KADAVILA, VANCHIYOOR PO,
ALAMCODE, ATTINGAL, THIRUVANANTHAPURAM DISTRICT,,
PIN - 695102

BY ADVS.
V.PREMCHAND
SURYA MOHAN P.
FATHIMA SHALU S.

RESPONDENTS:

- 1 THE KERALA WATER AUTHORITY,

 JALA BHAVAN, REPRESENTED BY ITS MANAGING

 DIRECTOR, THIRUVANANTHAPURAM, PIN 695033
- 2 THE SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY, AALTHARA JUNCTION,
 NANADHAVANAM, PALAYAM,
 THIRUVANANTHAPURAM,, PIN 695033
- 3 THE EXECUTIVE ENGINEER,
 KERALA WATER AUTHORITY, AALTHARA JUNCTION,
 NANADHAVANAM, PALAYAM,
 THIRUVANANTHAPURAM, PIN 695033

BY SRI. P.M.JOHNY, STANDING COUNSEL

PETITIONER:

SAMEER ALI C.T.

AGED 38 YEARS
S/O MUHAMMED,
AGED 38 YEARS,
CHANKINGALATHODI HOUSE,
KARATHODE,
OORAKAM, MELMURI P.O.,
MALAPURAM, PIN - 676519

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
ELSA DENNY PINDIS
STEPHY K REGI

- 1 STATE OF KERALA
 REPRESENTED BY ITS SECRETARY,
 WATER RESOURCES DEPARTMENT,
 GOVERNMENT SECRETARIAT,
 THIRUVANANTHAPURAM, PIN 695001
- 2 KERALA WATER AUTHORITY REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE, JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695033

3 THE SUPERINTENDING ENGINEER OFFICE OF THE SUPERINTENDING ENGINEER, PUBLIC HEALTH CIRCLE, KERALA WATER AUTHORITY, THIRUVANANTHAPURAM, PIN - 695033

> R1 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT PLEADER

R2 & R3 BY SRI. V.V. JOSHY, STANDING COUNSEL

PETITIONER:

SAMEER ALI C.T

AGED 38 YEARS

S/O MUHAMMED,

CHANKINGALATHODI HOUSE,

KARATHODE, OORAKAM,

MELMURI P.O., MALAPURAM, PIN - 676519

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
ELSA DENNY PINDIS
STEPHY K REGI
ADARSH KURIAN

- 1 STATE OF KERALA
 REPRESENTED BY ITS SECRETARY,
 WATER RESOURCES DEPARTMENT,
 GOVERNMENT SECRETARIAT,
 THIRUVANANTHAPURAM,
 PIN 695001
- 2 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 HEAD OFFICE, JALA BHAVAN,
 VELLAYAMBALAM,
 THIRUVANANTHAPURAM, PIN 695033

3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, THIRUVALLA,
PATHAMANTHITTA, PIN - 689101

R1 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT PLEADER

R2 & R3 BY SRI. V.V. JOSHY, STANDING COUNSEL

PETITIONER:

MUHAMMED SAFVAN M.K
AGED 38 YEARS
S/O. ABDULLA, AGED 38 YEARS, AMINICKAMPARAMBIL
HOUSE, KOOTTUMALA, OORAKAM P.O., MALAPURAM
DISTRICT, PIN - 676519

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
ELSA DENNY PINDIS
STEPHY K REGI
ADARSH KURIAN

- 1 STATE OF KERALA
 REPRESENTED BY ITS SECRETARY,
 WATER RESOURCES DEPARTMENT, GOVERNMENT
 SECRETARIAT, THIRUVANANTHAPURAM, PIN 695001
- 2 KERALA WATER AUTHORITY REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE, JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695033
- THE SUPERINTENDING ENGINEER
 OFFICE OF THE SUPERINTENDING ENGINEER,
 P.H. CIRCLE, KERALA WATER AUTHORITY,
 KANNUR, KANNUR DISTRICT, PIN 679012

W.P.(C.) No. 33174/2022 & connected cases

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R1 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT PLEADER

R2 & R3 BY SRI. V.V. JOSHY, STANDING COUNSEL

PETITIONER:

ANWAR SADATH

AGED 45 YEARS

S/O. ALI BAPPU, CHAKKRATHODI HOUSE,

PROPRIETOR, M/S. BASIC 'N' NEEDS ENGINEERING

CONTRACTORS, CHERUKUNNU, OTHUKKUNGAL P.O.,

MALAPPURAM DISTRICT, PIN - 676528

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
ELSA DENNY PINDIS
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

- 1 STATE OF KERALA
 REPRESENTED BY ITS SECRETARY,
 WATER RESOURCES DEPARTMENT,
 GOVERNMENT SECRETARIAT,
 THIRUVANANTHAPURAM, PIN 695001
- 2 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 HEAD OFFICE, JALA BHAVAN, VELLAYAMBALAM,
 THIRUVANANTHAPURAM, PIN 695033

3 THE SUPERINTENDING ENGINEER OFFICE OF THE SUPERINTENDING ENGINEER, P.H. CIRCLE, KERALA WATER AUTHORITY, MALAPPURAM, PIN - 676505

> R1 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT PLEADER

R2 & R3 BY SRI. P.M. JOHNY, STANDING COUNSEL

PETITIONER:

MUHAMMED SAFVAN M.K
AGED 38 YEARS,
S/O. ABDULLA,
AMINICKAMPARAMBIL HOUSE,
KOOTTUMALA,
OM MURI,
OORAKAM P.O.,
MALAPURAM DISTRICT,
PIN - 676519

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

- 1 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 HEAD OFFICE,
 JALA BHAVAN,
 VELLAYAMBALAM,
 THIRUVANANTHAPURAM,
 PIN 695033
- THE SUPERINTENDING ENGINEER
 OFFICE OF THE SUPERINTENDING ENGINEER,
 PUBLIC HEALTH CIRCLE,
 KERALA WATER AUTHORITY,

W.P.(C.) No. 33174/2022 & connected cases

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THIRUVANANTHAPURAM, PIN - 695033

BY SRI. P.M.JOHNY, STANDING COUNSEL

PETITIONER:

M/S. STREFA PROJECTS PRIVATE LTD.,
PLOT NO. 34, EASWARAIAH ENCLAVE,
DAMMAIGUDA,
HYDERABAD,
TELANGANA STATE - 500 062,
REPRESENTED BY ITS DIRECTOR,
P. CHANDRABABU,
S/O. P. DASTAGIRI.,
PIN - 500062

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS:

1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR,
HEAD OFFICE,
JALA BHAVAN,
VELLAYAMBALAM,
THIRUVANANTHAPURAM,
PIN - 695033

2 THE SUPERINTENDING ENGINEER OFFICE OF THE SUPERINTENDING ENGINEER, P.H. CIRCLE, KERALA WATER AUTHORITY, KOLLAM, KOLLAM DISTRICT, PIN - 691001

BY SRI. P.M.JOHNY, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.03.2023, ALONG WITH W.P.(C.)NO.33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

PETITIONER:

M/S. STREFA PROJECTS PRIVATE LTD PLOT NO. 34,
EASWARAIAH ENCLAVE,
DAMMAIGUDA,
HYDERABAD,
TELANGANA STATE - 500 062,
REPRESENTED BY ITS DIRECTOR,
P. CHANDRABABU,
S/O. P, DASTAGIRI,
PIN - 500062

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS:

- 1 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 HEAD OFFICE,
 JALA BHAVAN,
 VELLAYAMBALAM,
 THIRUVANANTHAPURAM,
 PIN 695033
- THE SUPERINTENDING ENGINEER
 OFFICE OF THE SUPERINTENDING ENGINEER,
 P.H. CIRCLE,

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KERALA WATER AUTHORITY, THIRUVALLA, PATHAMANTHITTA, PIN - 689101

BY SRI. P.M.JOHNY, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.03.2023, ALONG WITH W.P.(C.)NO.33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

connected cases

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY FRIDAY, THE 31ST DAY OF MARCH 2023 / 10TH CHAITHRA, 1945 WP(C) NO. 9729 OF 2023

PETITIONER:

REENA ENGINEERS AND CONTRACTORS (P) LTD REPRESENTED BY ITS MANAGING DIRECTOR, 602, SHIV TOWER, PATTOPLAZA, PANAJI, GOA, PIN - 403001 BY ADVS. P.SHANES METHAR N.KRISHNA PRASAD

RESPONDENTS:

- 1 KERALA WATER AUTHORITY REPRESENTED YB ITS MANAGING DIRECTOR, JALABHAVAN, VELLAYAMBALAM P.O., THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER O/O. SUPERINTENDING ENGINEER, KERALA WATER AUTHORITY (P H CIRCLE), HIGH ROAD, SAKTHAN THAMPURAN NAGAR, THRISSUR., PIN - 680001

BY SRI. P.M.JOHNY, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME FOR ADMISSION ON 31.03.2023, ALONG WITH W.P. (C.).33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

PETITIONER:

TOMCO ENGINEERING (P) LTD
REPRESENTED BY ITS MANAGING DIRECTOR,
PALANATTIL, KUNNACKAL.P.O., MUVATTUPUZHA,
ERNAKULAM., PIN - 682316

BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS:

- 1 KERALA WATER AUTHORITY
 REPRESENTED YB ITS MANAGING DIRECTOR,
 JALABHAVAN, VELLAYAMBALAM P.O.,
 THIRUVANANTHAPURAM., PIN 695033
- THE SUPERINTENDING ENGINEER
 O/O. SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY (P H CIRCLE),
 HIGH ROAD, SAKTHAN THAMPURAN NAGAR,
 THRISSUR., PIN 680001

BY SRI. GEORGIE JOHNY, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.03.2023, ALONG WITH W.P.(C.)NO.33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

PETITIONER:

GEORGE MATHEW
AGED 58 YEARS
S/O. MATHEW,
EDAPAZHATHIL HOUSE,
MANJALLOOR,
VAZHAKULAM P.O.,
MUVATTUPUZHA,
ERNAKULAM DISTRICT,
PIN - 686670

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS:

- 1 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 HEAD OFFICE,
 JALA BHAVAN,
 VELLAYAMBALAM,
 THIRUVANANTHAPURAM, PIN 695033
- THE SUPERINTENDING ENGINEER
 OFFICE OF THE SUPERINTENDING ENGINEER,
 P.H. CIRCLE,
 KERALA WATER AUTHORITY,

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THRISSUR DISTRICT, PIN - 680001

BY SRI. V.V.JOSHY, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.03.2023, ALONG WITH W.P.(C.)NO.33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

PETITIONER:

T. MOHAMMED ALI
AGED 55 YEARS
S/O. VEERAN HAJI,
THADATHIL HOUSE,
KANAYAM,
SHORNUR,
PALAKKAD DISTRICT,
PIN - 679121
BY ADVS.
SANTHEEP ANKARATH

P.ANIRUDHAN

RESPONDENTS:

- 1 STATE OF KERALA
 REPRESENTED BY ITS SECRETARY,
 WATER RESOURCES DEPARTMENT,
 GOVERNMENT SECRETARIAT,
 THIRUVANANTHAPURAM,
 PIN 695001
- 2 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 JALA BHAVAN, VELLAYAMBALAM,
 THIRUVANANTHAPURAM,
 PIN 695001
- THE SUPERINTENDING ENGINEER
 OFFICE OF THE SUPERINTENDING ENGINEER,
 P.H. CIRCLE, KERALA WATER AUTHORITY,
 THRISSUR DISTRICT,

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PIN - 680001

R1 BY SRI. RAJEEV JYOTHISH GEORGE, GOVERNMENT PLEADER

R2 & R3 BY SRI. P.M. JOHNY, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.03.2023, ALONG WITH W.P.(C.)NO.33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

PETITIONER:

M/S. BASIC N NEEDS ENGINEERS AND CONTRACTORS REPRESENTED BY ITS PROPRIETOR, ANVAR SADATH, S/O. ALI BAPPU, AGED 47 YEARS, DOOR NO 20/338, CHERUKUNNU P.O, OTHUKKUNGAL, MALAPPURAM - 676528, RESIDING AT CHAKKRATHODI HOUSE, OTHUKKUNGAL P.O, TIRURANGADI TALUK, MALAPPURAM DISTRICT, PIN - 676528

BY ADVS. T.V.GEORGE LINDA GEORGE

RESPONDENTS:

- MINISTRY OF MICRO SMALL AND MEDIUM ENTERPRISES
 GOVERNMENT OF INDIA, NIRMAN BHAVAN, 7TH FLOOR,
 MOULANA AZAD ROAD,
 REPRESENTED BY ITS ADDL.DEVELOPMENT COMMISSIONER,
 NEW DELHI, PIN 110108
- 2 NATIONAL SMALL INDUSTRIES CORPORATION LTD. S 67,
 GCDA COMMERCIAL COMPLEX, MARINE DRIVE,
 SHANMUGHAM ROAD,
 REPRESENTED BY ITS MANAGING DIRECTOR,
 KOCHI, PIN 682031
- 3 STATE OF KERALA

 REPRESENTED BY THE CHIEF SECRETARY,

 GOVERNMENT SECRETARIAT,

 TRIVANDRUM, PIN 695001

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4 SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY,
PUBLIC HEALTH CIRCLE,
MALAPPURAM, PIN - 676505

BY SRI. P.M. JOHNY, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.03.2023, ALONG WITH W.P.(C.)NO.33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 31ST DAY OF MARCH 2023 / 10TH CHAITHRA, 1945

WP(C) NO. 10952 OF 2023

PETITIONER:

K.I. PAULOSE

AGED 66 YEARS

S/O. ITTIAVIRAH, KUNNEL HOUSE,

KUNNACKAL P.O.,

MUVATTUPUZHA TALUK, VALAKOM,

ERNAKULAM DISTRICT, PIN - 682316

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS:

- 1 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 HEAD OFFICE, JALA BHAVAN,
 VELLAYAMBALAM,
 THIRUVANANTHAPURAM,
 PIN 695033
- THE SUPERINTENDING ENGINEER
 OFFICE OF THE SUPERINTENDING ENGINEER,
 P.H. CIRCLE,
 KERALA WATER AUTHORITY,
 ERNAKULAM, KOCHI,
 PIN 682011

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BY SRI. P.M. JOHNY, STANDING COUNSEL

WRIT PETITION (CIVIL) HAVING THIS COME UP FOR ADMISSION ON 31.03.2023, ALONG WITH W.P. (C.) NO.33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

connected cases

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

PETITIONER:

M/S OM DHAR ENGINEERING PVT. LTD.,
AGED 53 YEARS
II FLOOR, SRINIVASA SQUARE,
IMAGE HOSPITAL LANE, MADHAPUR,
HYDERABAD- 500 081,
REPRESENTED BY AUTHORISED SIGNATORY,
C INDRAKUMAR,
AGED 53 YEARS,
S/O SURYA RAO, A 404,
TRENDSETWINZ,
NANAKRAMGUDA, HYDERABAD,
PIN - 500033
BY ADVS.
V.PREMCHAND
SURYA MOHAN P.

RESPONDENTS:

HALIYA T.P.

- 1 THE KERALA WATER AUTHORITY,

 JALA BHAVAN,

 REPRESENTED BY ITS MANAGING DIRECTOR,

 THIRUVANANTHAPURAM,

 PIN 695033
- THE SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY,
 PUBLIC HEALTH CIRCLE, HIGH ROAD,
 SAKTHANTAMPURAN NAGAR, THRISSUR,
 PIN- 680 001.

W.P.(C.) No. 33174/2022 &

connected cases

3 THE EXECUTIVE ENGINEER, KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, HIGH ROAD, SAKT HANTAMPURAN NAGAR, THRISSUR, PIN - 680001 BY SRI. P.M. JOHNY, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.03.2023, ALONG WITH W.P.(C.)NO.33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT

PETITIONER:

M/S. STREFA PROJECTS PRIVATE LTD.,
PLOT NO. 34,
EASWARAIAH ENCLAVE, DAMMAIGUDA,
HYDERABAD, TELANGANA STATE - 500 062,
REPRESENTED BY ITS DIRECTOR,
P. CHANDRABABU,
S/O. P. DASTAGIRI.

BY ADVS.
GEORGE MATHEW
ELSA DENNY PINDIS
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS:

- 1 KERALA WATER AUTHORITY
 REPRESENTED BY ITS MANAGING DIRECTOR,
 HEAD OFFICE, JALA BHAVAN,
 VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN 695033
- THE SUPERINTENDING ENGINEER
 OFFICE OF THE SUPERINTENDING ENGINEER,
 P.H. CIRCLE,
 KERALA WATER AUTHORITY,
 THIRUVALLA, PATHAMANTHITTA,
 PIN 689101

53

BY SRI. P.M. JOHNY, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.03.2023, ALONG WITH W.P.(C.)NO.33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

PETITIONER:

M/S OM DHAR ENGINEERING PVT. LTD.,
II FLOOR, SRINIVASA SQUARE, IMAGE HOSPITAL LANE,
MADHAPUR, HYDERABAD- 500 081,
REPRESENTED BY AUTHORISED SIGNATORY,
C INDRAKUMAR, AGED 53 YEARS, S/O SURYA RAO,
A 404, TRENDSETWINZ, NANAKRAMGUDA, HYDERABAD,,
PIN - 500033

BY ADVS.
V.PREMCHAND
SURYA MOHAN P.
HALIYA T.P.

RESPONDENTS:

- 1 THE KERALA WATER AUTHORITY,

 JALA BHAVAN,

 REPRESENTED BY ITS MANAGING DIRECTOR,

 THIRUVANANTHAPURAM, PIN 695033
- THE SUPERINTENDING ENGINEER,
 KERALA WATER AUTHORITY,
 PUBLIC HEALTH CIRCLE, KOCHI,
 ERNAKULAM DISTRICT., PIN 682011

BY SRI. P.M. JOHNY, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.03.2023, ALONG WITH W.P.(C.)NO.33174/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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JUDGMENT

The captioned writ petitions are in respect of tenders invited by the Kerala Water Authority. The challenge in the petitions are fundamentally with respect to the additional performance guarantee directed to be furnished, out of which 50% by way of treasury fixed deposit and the balance by bank guarantee or other securities. contention advanced by the petitioners are on the basis of the various notifications issued by the State Government granting benefit during the pandemic Covid-19 period, and also in the matter of submitting tenders below the probable amount of contract. However, by virtue of the notification issued in the year 2015, modified in the year 2019, if a bidder submits a bid 10% below the probable amount of contract, if it is invited items wise rates contract, additional performance guarantee is insisted upon. The case projected by the petitioners is that all the contracts in question are lumpsum contracts, which is clearly specified in the tender notifications and therefore, the insistence made by the

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Kerala Authority that additional Water performance guarantee is to be furnished, if the bid submitted by the contractors are below 10% for each item of the contract, is bad in law and illegal. However, the contention put forth by the Kerala Water Authority is that as per the orders issued by the State Government if the contract value is exceeding five lakhs, all the tenders shall be invited through e-tender portal on item rate contract only. Therefore, according to the Kerala Water Authority all the tenders are invited by providing a schedule with respect to the items involved in the contract and therefore, the bidders participating in the contract have to quote the amounts for each item as provided in the schedule. The issue with respect to the benefits granted by the State Government exempting furnishing of additional performance quarantee relaxation to the performance guarantee; the issue with respect to the tender submitted by the bidders in lump sum contracts and item wise rates contract were considered by this court in a batch of writ petitions and has rendered a

judgment dated 21.03.2023 in W.P.(C.) No. 14051/2022 and other connected cases. It was held therein specifically that in so far as the exemption granted by the Government from furnishing additional performance guarantee as per Government order dated 07.01.2021 for a period of one year was not extended; in the Government Order, dated 15.03.2022, the exemption is confining to the relaxation of the performance guarantee alone. In so far as the items wise rates contract is concerned, it was held that if the tenders are invited on the basis of percentage rates contracts, then the contractors are liable to furnish additional performance guarantee on the basis of '(X-10)%' of the estimated PAC; however, if the tenders are invited on the basis of items rates contract, then the contractors are liable to furnish additional performance guarantee for each item of work on the basis of '(X-10)%' of the estimated amount for each item of work. In fact, it was also held that merely because in the schedule attached to the detailed tender notice, the rates of each item is not provided by the

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Kerala Water Authority, the contractors are liable to submit the tender by quoting rates against each item of the work shown in the schedule. However, in these petitions, learned Standing Counsel for the Water Authority has invited my attention to the Government Order dated 04.05.2019 bearing G.O.(P) No. 54/2019/Fin., dealing with execution of public works on item rate contracts to regulate abnormally high quoted and low quoted items. Therefore, learned Standing Counsel for the Kerala Water Authority submitted that as per the said Government Order, if the public work costing more than Rs.5 Lakhs is involved all tenders shall be invited through e-portal on item rate contract only. However, on the other hand, learned counsel for the petitioners submitted that going by the Government Order dated 04.05.2019, it is evident that unless and until the relevant clauses of Standard Bidding Document (SBD) and the Kerala Public Works Department Manual, 2012 is modified incorporating the said Government Order, Kerala Water Authority is not entitled to insist for submission of bid

showing the price for items wise rate. It is further contented by learned counsel for the petitioners that the Kerala Water Authority has to accept the Government Orders in its Board Meeting and there is no evidence produced by the Kerala Water Authority to show that the Government Order, dated 04.05.2019 is accepted by the Kerala Water Authority for inviting its tenders. In fact, all other Government notifications were taken note of in the earlier batch of writ petitions referred to above.

2. Learned Standing Counsel for the Water Authority in the context of submission made by learned counsel for the petitioners that the Water Authority has not accepted the Government Order dated 04.05.2019, has invited my attention to the provisions of the Kerala Water Authority (Authentication of Orders, Assurance of Property and Execution of Contracts) Regulations, 1992 (for short, 'the Regulation, 1992') made as per the powers conferred by Sub-section (1) and Clause (d) of Sub-Section (2) of Section 65 of the Kerala Water (Supply and Sewerage) Act,

1986. Regulation 5 of the Regulations, 1992 deals with execution of contracts for works and purchase of materials, stationary articles, furniture etc.; Sub-regulation (3) of Regulation 5 of the Regulations, 1992 makes it clear that; all agreements shall be executed for and on behalf of the Authority and the forms prescribed under the Stores Purchase Manual, the P.W.D. Code or the K.F.C. (Kerala Financial Code) as the case may be, shall mutatis mutandis apply, to the execution of contracts under the Regulation. Therefore, according to the learned Standing Counsel by virtue of the above statutory fiction the orders passed by the Government, in the matter of execution of public work would apply to the Kerala Water Authority.

3. I have heard learned counsel for the petitioners, Sri. George Mathew, Sri.V.Premchand, Sri.P.Shanes Methar, Sri.T.V. George and other counsel appearing for the petitioners and learned Standing Counsel for the Kerala Water Authority, Sri. V.V. Joshi, Sri. P.M. Johny and Sri. Georgie Johny and perused the pleadings and material on

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record.

Even though the relevant Government Orders in respect of the matters were discussed in the earlier round of writ petitions, the Government Order, dated 04.05.2019 was not brought to my notice. Therefore, the only question to be considered is whether in the percentage wise rates contracts invited by the Kerala Water Authority exceeding Rs. 5 Lakhs whether the tenders are to be submitted through e-tender portal on items rates contracts. The Government Order, dated 04.05.2019 was brought into force in order to avoid time and cost overrun on account of deviations necessitated during the course of execution of work as per the Government Order, dated 15.01.2018, bearing G.O.(P).No.8/2018/Fin.; and instructions were issued to all Government Departments and PSUs to ensure the detailed investigation, design, estimation etc., while granting sanction itself. It was also found that some discrepancies have been observed while processing of tenders and execution of works under item rate contracts;

also instances have been noticed where the low quoted items were excluded during execution and excess quantities of high quoted items are executed without adequate technical justification resulting in heavy loss to the public exchequer. Therefore, in order to avoid such instances in future, the Government issued clarifications on item rate contracts to all Government Departments and PSUs. The relevant portion of the said Government Order dated 04.05.2019 reads as follows:-

- "1) Tenders for all public works costing more than Rs. 5 lakh shall be invited through E-tenders en Item Rate Contract only.
- 2) The bidder who has quoted lowest total amount shall be considered as L1.
- 3) The quoted rates of L1 for all items may be compared with current DSR and Current LMR. The items whose quoted rates are more than current DSR may be treated as High Quoted Items and less than current DSR may be treated Low Quoted Items.
- 4) Negotiations shall be done with L1 only to reduce the high quoted rates so to explore the possibility for bringing them within DSR + 10% tolerance limit or LMR, which ever is lower.

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- 5) The admissible contract amount will be least of (i) Negotiated Contract PAC L1 (ii) Estimate amount based on current LMR and (iii) Estimate amount based on current DSR plus 10% tolerance limit.
- The quoted rates with deviation of more than (+/-) 6) 25% over Technical Sanction Estimate Rates may be treated as Abnormally High Quaited Rates (AHQR) item/ Abnormally Low Quoted Rates (ALQR) item, as the case may be. In respect of AHQR item, under normal circumstances, the contract rate is applicable for the scheduled quantities in the Agreement only.
- 7) In case of quantities exceeding the agreement schedule quantities and up to 25% limit that are necessitated for proper completion of work, the contract rates of corresponding item shall apply.
- 8) For excess quantities, i.e., quantities in excess of 25% over agreement schedule quantities, the admissible rates shall be limited to Technical Sanctioned Estimate Rate modified by overall tender excess / tender deficit, as the case may be, subject to a maximum of PWD local market rates prevailing at the time of ordering.
- In case of ALQR items, sanction of Technical 9) Sanction authority shall be insisted before limiting execution of concerned item less than 75% scheduled quantity.
- 10) The relevant clauses of Standard Bidding Document (SBD) and Kerala PWD Manual 2012

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shall be modified accordingly."

On an analysis of the said Government Order, it is quite clear and evident that in the matter of tenders exceeding Rs.5 Lakhs, online bid is to be submitted on items rates contract only. In fact, in the earlier batch of writ petitions directions were issued taking into consideration, the Government Order dated 07.12.2019 and held that for percentage rate contracts, if the quoted amount of lowest bidder is 'X%' below estimated PAC, the Additional Performance Guarantee amount shall be '(X-10)%' of the estimated PAC and for items rates contracts, if the rate quoted by the bidder for an item of work is 'X%' below estimate cost where 'X' lies above 10%, the Additional Performance Guarantee for that item of work is equal to '(X-10)%' of the estimate amount for that item of work; and the total of Additional Performance Guarantee for the whole work is the total of individual Additional Performance Guarantee for each item of work calculated as above. But now going by the Government Order dated 04.05.2019, the

modality for the tenders exceeding Rs. 5 Lakhs is prescribed. As I have pointed out above, by virtue of the provisions of the Regulations, 1992, the Kerala Water Authority has to adhere to the orders issued by the State Government in the matter of execution of public works. Therefore, the contention advanced by the petitioners that the Managing Board of the Kerala Water Authority has not adopted the Government Order, dated 04.05.2019 cannot be sustained under law.

5. In fact, when many of the writ petitions were admitted to the files of this court, interim orders were passed directing the Kerala Water Authority to execute the agreement with the petitioners on condition that petitioners execute a simple bond undertaking to furnish additional performance guarantee, if and when directed so by this Court and also satisfying with other requirements of the notice inviting tender. Taking into consideration, the peculiar facts and circumstances consequent to the interim orders passed by this Court, the following directions were

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issued:-

- "1. If the work in accordance with the agreement is completed by the contractors, no Additional Performance Guarantee shall be insisted upon.
- 2. If the work has progressed to a level exceeding 80%, the tendering authority is left with the liberty to take a decision as to whether any Additional Performance Guarantee is to be insisted upon, taking into account the efficiency, reputation, men and machinery engaged, and other positive factors of the respective contractors.
- If the work has exceeded 30% of the total work, then the tendering authority is directed to secure Additional Performance Guarantee proportionate to the balance work.
- 4. In all other cases, the contractors/petitioners are directed to furnish an Additional Performance Guarantee to the tendering authority as specified in the tender documents within three weeks from the date of receipt of a copy of this judgment.
- 5. In cases where a Performance guarantee is furnished by the contractors in spite of its relaxation up to 31.03.2023, the said amounts can be adjusted against the Additional Performance guarantee required in the

circumstances specified above.

- 6. In cases where 100% bank guarantee is furnished, instead of 50% by way of treasury fixed deposit, the same is permitted to be continued in the facts and circumstances, if the work has exceeded 30% of the total work.
- 7. If the tenders are invited on the basis of the Percentage Rate Contracts, then the contractors are liable to furnish the Additional Performance Guarantee on the basis of (X-10)% of the estimated PAC.
- 8. If the tenders are invited on the basis of Items Rates Contract, then the contractors are liable to furnish Additional Performance Guarantee for each item of work on the basis of (X-10)% of the estimated amount for each item of work.
- 9. I make it clear that the directions are issued as above taking into account the peculiar facts, features and circumstances involved in these cases consequent to the interim orders granted; and it shall not be treated as a precedent, except in regard to the writ petitions pending in the above context."
- 6. The said directions would strictly apply to the facts and circumstances of these cases with a modified direction that if the tender invited by the Kerala Water

Authority is exceeding Rs. 5 Lakhs, then the contractors shall furnish items rates contract against the items shown in the schedule attached to the notice inviting tender.

In that view of the matter, these batch of writ petitions are also disposed of in terms of the common judgment dated 21.03.2023 in W.P.(C.) No. 14051/2022 and other connected cases. However, with a modification that if the tenders are exceeding Rs. 5 Lakhs, the calculation for the aggregate amount of the contract shall be made in accordance with the Government Order dated 04.05.2019 bearing G.O.(P) No. 54/2019/Fin. In all other respects, the directions in the common judgment extracted above would apply. The petitioners as well as the respondents shall comply with the directions as above with the modified direction contained in this batch of writ petitions, as specified above.

I am informed that in some of the writ petitions recently filed, wherein interim orders are not granted and considered along with this batch, the date of execution of

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agreement has expired. Therefore, the date of execution of the agreement will stand extended for a period of two weeks from the date of receipt of a copy of the Judgement. In such cases, the petitioners are directed to furnish the additional performance guarantee within the said time period.

Sd/-

SHAJI P. CHALY JUDGE

DCS/01.04.2023

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W.P.(C.) No. 33174/2022 & connected cases

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APPENDIX OF WP(C) 33174/2022

PETITIONER EXHIBITS

EXHIBIT	P1	TRUE COPY OF GO(P) NO.7/2021/FIM DTD.07.01.2021 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT.
EXHIBIT	P2	TRUE COPY OF G.O.(P) NO.32/ 2022/FIM DTD. 15.03.2022 FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT.
EXHIBIT	Р3	TRUE COPY OF ELECTRONIC TENDER NOTICE NO. PHC/589/2022 DTD. 27.08.2022 ISSUED BY 3RD RESPONDENT.
EXHIBIT	P4	TRUE COPY OF RELEVANT PAGES OF WORK ORDER NO.PHC/CHN/JJM/589/2022 DTD. 14.10.2022 ISSUED BY 3RD RESPONDENT.
EXHIBIT	P5	TRUE COPY OF INTERIM ORDER DTD. 08.04.2022 IN W.P. (C). NO. 9635 OF 2022.
EXHIBIT	P6	TRUE COPY OF INTERIM ORDER DTD. 07.07.2022 IN W.P. (C). NO. 22066 OF 2022.
EXHIBIT	P7	TRUE COPY OF RELEVANT PAGES OF NIT NO. 19/2022-23/SE/PHC/CHN DTD. 27.08.2022 ISSUED BY 3RD RESPONDENT

APPENDIX OF WP(C) 33310/2022

PETITIONER	EXHIBITS
EXHIBIT P1	TRUE COPY OF THE SELECTION NOTICE NO. 1945/D6/2022/PHC-KKD DATED 15.10.2022 ISSUED BY THE 2ND RESPONDENT
EXHIBIT P2	TRUE COPY OF THE TENDER NOTICE -E TENDER NO. SE/PHC/KKD/17/2022-23 PUBLISHED BY THE 2ND RESPONDENT
EXHIBIT P3	TRUE COPY OF THE G.O.(P) NO. 429/15/FIN DATED 28.09.2015
EXHIBIT P4	TRUE COPY OF THE G.O.(P) NO. 19/2016/FIN DATED 03/02/2016
EXHIBIT P5	TRUE COPY OF THE G.O.(P) NO. 1/2019/FIN DATED 10.01.2019
EXHIBIT P6	TRUE COPY OF THE JUDGMENT DATED 13.12.2018 IN W.P.(C) NO. 37153/2018
EXHIBIT P7	TRUE COPY OF THE OFFICE MEMORANDUM NO.F.9/4/2020-PPD ISSUED BY MINISTRY OF FINANCE GOVERNMENT OF INDIA
EXHIBIT P8	TRUE COPY OF THE G.O.(P) NO. 7/2021/FIN DATED 07.01.2021
EXHIBIT P9	TRUE COPY OF THE G.O.(P) NO. 32/2022/FIN

DATED 15-03-2022

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APPENDIX OF WP(C) 34124/2022

PETITIONER EXHIBITS

EXHIBIT	P1	TRUE COPY OF THE WORK ORDER - LETTER NO. 2091/D6/PHC - KKD DATED 24.10.2022 ISSUED BY THE 2ND RESPONDENT (RELEVANT PAGES)
EXHIBIT	P2	TRUE COPY OF THE E-TENDER NOTICE NO. SE/PHC/KKD/25/2022 - 2023 PUBLISHED BY THE 2ND RESPONDENT
EXHIBIT	Р3	TRUE COPY OF THE G.O.(P) NO.429/15/FIN DATED 28.09.2015
EXHIBIT	P4	TRUE COPY OF THE G.O.(P) NO.19/2016/FIN DATED 03.02.2016
EXHIBIT	P5	TRUE COPY OF THE G.O.(P) NO.1/2019/FIN DATED 10.01.2019
EXHIBIT	P6	TRUE COPY OF THE OFFICE MEMORANDUM NO. F. 9/4/2020-PPD DATED 12.11.2020 ISSUED BY GOVERNMENT OF INDIA
EXHIBIT	Р7	TRUE COPY OF THE G.O.(P) NO.7/2021/FIN DATED 07.01.2021
EXHIBIT	Р8	TRUE COPY OF THE G.O.(P) NO.32/2022/FIN DATED 15.03.2022

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<u>APPENDIX OF WP(C) 39533/2022</u>

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE LETTER NO. KWA/PHC/KNR/D3-6504/2022 DATED 28.11.2022 (SELECTION NOTICE) ISSUED BY THE 2ND RESPONDENT EXHIBIT P2 TRUE COPY OF THE E-TENDER NOTICE- NO. 22/2022-23/PHC/KNR PUBLISHED BY THE 2ND RESPONDENT EXHIBIT P3 TRUE COPY OF THE EXPERIENCE CERTIFICATE NO. D1-LNC/2022 DATED 10.11.2022 ISSUED BY THE EXECUTIVE ENGINEER, KWA EXHIBIT P4 TRUE COPY OF THE JUDGMENT OF HON'BLE HIGH COURT IN W.P. (C) NO. 37153/2018

DATED 13.12.2018

APPENDIX OF WP(C) 40212/2022

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EXHIBIT P1	TRUE COPY OF THE LETTER NO. SE/PHC/MPM/DB4/998/2022-23 DATED: 08.12.2022 ISSUED BY THE 2ND RESPONDENT (SELECTION NOTICE)
EXHIBIT P2	TRUE COPY OF THE E-TENDER NOTICE, NO. SE/PHC/MPM/ 53 /2022-23 PUBLISHED BY THE 2ND RESPONDENT
EXHIBIT P3	TRUE COPY OF THE G.O.(P) NO. 429/2015/FIN DATED 28.09.2015
EXHIBIT P4	TRUE COPY OF THE G.O.(P) NO. 19/2016/FIN DATED 03/02/2016
EXHIBIT P5	TRUE COPY OF G.O.(P) NO. 1/2019/FIN DATED 10.01.2019
EXHIBIT P6	TRUE COPY OF THE RELEVANT PAGES OF THE NOTICE INVITING TENDER (VOLUME-I) PERTAINING TO E-TENDER NO.: SE/PHC/MPM/53/2022 - 23 PUBLISHED BY THE 2ND RESPONDENT

APPENDIX OF WP(C) 41138/2022

EXHIBIT P1	TRUE COPY OF THE LETTER NO. KWA/PHC/TSR/D5/2932/2022 DATED 15.12.2022 ISSUED BY THE 2ND RESPONDENT (SELECTION NOTICE)
EXHIBIT P2	TRUE COPY OF THE NOTICE INVITING TENDER E-TENDER NO: 67/SE/PHC/TSR/2022-23 PUBLISHED BY 2ND RESPONDENT (RELEVANT PAGES)
EXHIBIT P3	TRUE COPY OF THE G.O.(P) NO. 429/2015 FIN DATED 28.09.2015
EXHIBIT P4	TRUE COPY OF THE G.O.(P) NO. 19/2016 FIN DATED 03.02.2016
EXHIBIT P5	TRUE COPY OF THE G.O.(P) NO. 1/2019 FIN DATED 10.01.2019

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<u>APPENDIX OF WP(C) 41865/2022</u>

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE SELECTION NOTICE

(LETTER NO.

KWA-/PHC/TVM/D1/132/2022_26_8_7/OTTOOR DATED 15/12/2022) ISSUED BY THE 2ND

RESPONDENT

EXHIBIT P2 TRUE COPY OF THE E-TENDER NO.109/2022-

> 23/KWA/PHC/D1/TVM (TENDER NOTICE) PUBLISHED BY THE 2ND RESPONDENT

EXHIBIT P3 TRUE COPY OF THE RELEVANT PAGES OF THE

TENDER CONDITIONS PERTAINING TO EXT. P2

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<u>APPENDIX OF WP(C) 42346/2022</u>

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE LETTER NO.

> 1537/D1/2021/PHC-KKD DATED 20.12.2022 (SELECTION NOTICE) ISSUED BY THE 2ND

RESPONDENT (RELEVANT PAGES)

EXHIBIT P2 TRUE COPY OF THE RELEVANT PAGES OF THE

E-TENDER NOTICE NO. SE/PHC/KKD/44/2022-

23 PUBLISHED BY THE 2ND RESPONDENT

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APPENDIX OF WP(C) 42597/2022

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE WORK ORDER (LETTER NO.

2259/D6/2022/PHC - KKD) DATED 15.12.2022

ISSUED BY THE 2ND RESPONDENT

EXHIBIT P2 TRUE COPY OF THE (RELEVANT PAGES) TENDER

NOTICE E-TENDER NO. SE/PHC/KKD/29/2022 -

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APPENDIX OF WP(C) 42916/2022

PETITIONER EXHIBITS

EXHIBIT	P1	A TRUE COPY OF E-TENDER NO. 74/SE/PHC/TSR/2022-23 ALONG WITH ITEM RATE BOQ ISSUED BY THE 2ND RESPONDENT.
EXHIBIT	P2	A TRUE COPY OF LETTER ACCEPTANCE NO.KWA/PHC/TSR/D5/4867/2022 DATED 26/12/2022 ISSUED BY THE 3RD RESPONDENT IN RESPECT OF THE WORK TO BE DONE IN CHALISSERY GRAMA PANCHAYATH.
EXHIBIT	P3	A TRUE COPY OF G.O.(P) NO. 168/2019/FIN. DATED 07/12/2019 ISSUED BY THE GOVERNMENT OF KERALA.
EXHIBIT	P4	A TRUE COPY OF G.O.(P) NO.7/2021/FIN. DATED 07/01/2021 ISSUED BY THE GOVERNMENT OF KERALA.
EXHIBIT	P5	A TRUE COPY OF G.O.(P) NO. 32/2022/FIN DATED 15/03/2022 ISSUED BY THE GOVERNMENT OF KERALA.
EXHIBIT	P6	A TRUE COPY OF INTERIM ORDER DATED 30/11/2022 IN WP(C) NO. 38602/2022 OF

THIS HON'BLE COURT.

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APPENDIX OF WP(C) 42920/2022

PETITIONER EXHIBITS

EXHIBIT P1 A TRUE COPY OF E-TENDER NO. 83/SE/PHC/TSR/2022-23 ISSUED BY THE 2ND RESPONDENT A TRUE COPY OF LETTER OF ACCEPTANCE EXHIBIT P2 NO.KWA/PHC/TSR/D5/4977/2022 DATED 26/12/2022 ISSUED BY THE 3RD RESPONDENT IN RESPECT OF THE WORK TO BE DONE IN NAGALASSERY GRAMA PANCHAYATH EXHIBIT P3 A TRUE COPY OF G.O. (P) NO. 168/2019/FIN. DATED 07/12/2019 ISSUED BY THE GOVERNMENT OF KERALA EXHIBIT P4 A TRUE COPY OF G.O. (P) NO. 7/2021/FIN. DATED 07/01/2021 ISSUED BY THE GOVERNMENT OF KERALA EXHIBIT P5 A TRUE COPY OF G.O. (P) NO. 32/2022/FIN DATED 15/03/2022 ISSUED BY THE GOVERNMENT OF KERALA EXHIBIT P6 A TRUE COPY OF INTERIM ORDER DATED 30/11/2022 IN WP(C) NO. 38602/2022 OF

THIS HON'BLE COURT

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APPENDIX OF WP(C) 43021/2022

PETITIONER EXHIBITS

EXHIBIT	P1	TRUE COPY OF GO(P) NO.7/2021/FIM DTD.07.01.2021 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT.
EXHIBIT	P2	TRUE COPY OF G.O.(P) NO.32/ 2022/FIM DTD. 15.03.2022 FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT.
EXHIBIT	Р3	TRUE COPY OF RELEVANT PAGES OF NIT NO. 52/SE/PHC/TSR/ 2022-23 WITH LAST DATE OF SUBMISSION 13.10.2022.
EXHIBIT	P4	TRUE COPY OF WORK ORDER NO.KWA/PHC/TSR/D5/4760/ 2022 DTD. 20.12.2022 ISSUED BY 3RD RESPONDENT.
EXHIBIT	P5	TRUE COPY OF G.O. (P) NO.429/2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT.
EXHIBIT	P6	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD.10.01.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT.
EXHIBIT	P7	TRUE COPY OF ORDER DTD.13.12.2022 IN

W.P. (C). NO. 39590 OF 2022.

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APPENDIX OF WP(C) 9/2023

PETITIONER EXHIBITS

TRUE COPY OF THE RELEVANT PAGES OF THE EXHIBIT P1

> NOTICE INVITING TENDER - E-TENDER NO: 95/SE/PHC/TSR/2022-23 PUBLISHED BY THE

2ND RESPONDENT

TRUE COPY OF THE LETTER NO. EXHIBIT P2

KWA/PHC/TSR/D1/2931/2022 DATED

28.12.2022 (SELECTION NOTICE) ISSUED BY

THE 2ND RESPONDENT

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W.P.(C.) No. 33174/2022 & connected cases

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APPENDIX OF WP(C) 524/2023

EXHIBIT P1	TRUE COPY THE WORK ORDER ISSUED BY THE 2ND RESPONDENT ALONG WITH ACCEPTED SCHEDULE AND GOVERNMENT ORDER REGARDING CALCULATION OF ADDITIONAL PERFORMANCE GUARANTEE DATED 23.12.2022.
EXHIBIT P2	TRUE COPY OF G.O (P) NO. 7/2021/FIN. ISSUED BY THE GOVERNMENT OF KERALA DATED 7.1.2021
EXHIBIT P3	TRUE COPY OF G.O.(P) NO. 32/2022/FIN ISSUED BY THE GOVERNMENT OF KERALA DATED 15.3.2022
EXHIBIT P4	TRUE COPY OF THE NOTICE INVITING TENDER ISSUED BY THE 1ST RESPONDENT DATED NIL
EXHIBIT P5	TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT IN WP(C) 42211/2022 DATED 22.12.2022

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APPENDIX OF WP(C) 1994/2023

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF THE UDYAM REGISTRATION NO. UDYAM - KL -02 - 0011732 OF THE PETITIONER
EXHIBIT P2	TRUE COPY OF THE LETTER DATED 14.10.2011 ISSUED BY THE 3RD RESPONDENT
EXHIBIT P3	TRUE COPY OF THE RELIEF MEASURES ANNOUNCED BY 3RD RESPONDENT TO MSMES
EXHIBIT P4	TRUE COPY OF THE G.O.(P) NO.1/2021/FIN DATED 3.01.2021
EXHIBIT P5	TRUE COPY OF THE E-TENDER NO: 88/SE/PHC/TSR/2022-23 (RELEVANT PAGES) PUBLISHED BY THE 2ND RESPONDENT
EXHIBIT P6	TRUE COPY OF THE LETTER NO. KWA/PHC/TSR/D5/4877/2022 DATED 11. 01.2023 (SELECTION NOTICE) ISSUED BY THE 2ND RESPONDENT
EXHIBIT P7	TRUE COPY OF THE INTERIM ORDER DATED 23.12.2022 IN W.P (C) NO.42668/2022
EXHIBIT P8	TRUE COPY OF THE INTERIM ORDER DATED

RESPONDENT EXHIBITS

EXHIBIT-R1(A)	TRUE COPY OF THE RELEVANT EXTRACT OF THE
	SECTION 55 OF THE KERALA WATER SUPPLY
	AND SEWERAGE ACT 1986.
EXHIBIT-R1(B)	TRUE COPY OF THE G.O.(P) 19/2016/FIN.,
	DATED 3/2/16.
EXHIBIT-R1(C)	TRUE COPY OF THE G.O (P)
	· · · · · · · · · · · · · · · · · · ·

06.01.2023 IN W.P.(C) NO. 503/2023

NO.168/2019/FIN., DATED 07.12.2019.

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APPENDIX OF WP(C) 3196/2023

EXHIBIT	P1	TRUE COPY OF G.O.(P) NO.7/2021/FIN DTD. 07.01.2021 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P2	TRUE COPY OF G.O.(P) NO.32/2022/FINDTD. 15.03.2022 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	Р3	TRUE COPY OF RELEVANT PAGES OF NIT NO. PHC/CHN/JJM/11895/2021 DTD. 18.07.2022 ISSUED BY3RD RESPONDENT
EXHIBIT	P4	TRUE COPY OF WORK ORDER NO. PHC/CHN/JJM/11895/2021 DTD. 28.01.2023 ALONG WITH ACCEPTED SCHEDULE ISSUED BY 3RDRESPONDENT
EXHIBIT	P5	TRUE COPY OF G.O. (P) NO.429/2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P6	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD. 10.01.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	₽7	TRUE COPY OF ORDER DTD. 23.01.2023 IN W.P.(C). NO. 2225 OF 2023

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APPENDIX OF WP(C) 3498/2023

EXHIBIT-P1	A TRUE COPY OF THE SELECTION NOTICE DATED ON 07/12/2022 ISSUED BY THE SUPERINTENDING ENGINEER, 2ND RESPONDENT
EXHIBIT-P2	A TRUE COPY OF THE GOP NO 07/2021/ FIN DATED 07/01/2021 ISSUED BY THE GOVERNMENT OF KERALA
EXHIBIT-P3	A TRUE COPY OF THEGO NO 32/2022 DATED 15/03/2022 ISSUED BY THE GOVERNMENT OF KERALA.
EXHIBIT-P4	A TRUE COPY OF THE GO (P) NO.1/2019/FIN DATED 10.01.2019 ISSUED BY THE GOVERNMENT OF KERALA
EXHIBIT-P5	A TRUE COPY OF THE ACCEPTED SCHEDULE PREPARED BY THE 1ST RESPONDENT BASED ON WHICH ADDITIONAL PERFORMANCE GUARANTEE DATED NIL IS CALCULATED.
EXHIBIT-P6	TRUE COPY OF THE RELEVANT PORTION OF THE PRICE SCHEDULE DATED NIL.
EXHIBIT-P7	A TRUE COPY OF THE RELEVANT PORTION OF THE NOTICE INVITING TENDER (NIT) FOR THE WORK IN QUESTION. A TRUE COPY OF THE RELEVANT PORTION OF THE NOTICE INVITING TENDER (NIT) FOR THE WORK IN QUESTION.
EXHIBIT-P8	A TRUE COPY OF THE ORDER DATED 11.01.2023 ISSUED BY THE MANAGING DIRECTOR, KERALA WATER AUTHORITY.

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APPENDIX OF WP(C) 4615/2023

EXHIBIT	P1	TRUE COPY OF G.O.(P) NO.7/2021/FIN DTD. 07.01.2021 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P2	TRUE COPY OF G.O.(P) NO.32/2022/FIN DTD. 15.03.2022 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	Р3	TRUE COPY OF RELEVANT PAGES OF NIT NO. 60/2022-23/SE/PHC/PKD WITH LAST DATE OF SUBMISSION 23.12.2022 ISSUED BY 3RD RESPONDENT
EXHIBIT	P4	TRUE COPY OF WORK ORDER NO.KWA/PHC/ PKD/JJM/KARIMPUZHA/21-22 DTD. 07.02.2023 ALONG WITH ACCEPTED SCHEDULE ISSUED BY 3RD RESPONDENT TO PETITIONER
EXHIBIT	P5	TRUE COPY OF G.O. (P) NO.429/2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P6	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD. 10.01.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P 7	TRUE COPY OF ORDER DTD. 23.01.2023 IN W.P.(C). NO. 2225 OF 2023

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APPENDIX OF WP(C) 4866/2023

EXHIBIT-P1	A TRUE COPY OF THE SELECTION NOTICE DATED ON 08/02/2023 ISSUED BY THE SUPERINTENDING EXECUTIVE ENGINEER, 2ND RESPONDENT
EXHIBIT-P2	A TRUE COPY OF THE GOP NO 07/2021/ FIN DATED 07/01/2021 ISSUED BY THE GOVERNMENT OF KERALA
EXHIBIT-P3	A TRUE COPY OF THE GO NO 32/2022 DATED 15/03/2022 ISSUED BY THE GOVERNMENT OF KERALA
EXHIBIT-P4	A TRUE COPY OF THE GO (P) NO.1/2019/FIN DATED 10.01.2019 ISSUED BY THE GOVERNMENT OF KERALA
EXHIBIT-P5	A TRUE COPY OF THE ACCEPTED SCHEDULE PREPARED BY THE 1ST RESPONDENT BASED ON WHICH ADDITIONAL PERFORMANCE GUARANTEE DATED NIL IS CALCULATED
EXHIBIT-P6	A TRUE COPY OF THE RELEVANT PORTION OF THE PRICE SCHEDULE DATED NIL
EXHIBITP7	A TRUE COPY OF THE RELEVANT PORTION OF THE NOTICE INVITING TENDER (NIT) FOR THE WORK IN QUESTION
EXHIBIT-P8	A TRUE COPY OF THE ORDER DATED 11.01.2023 ISSUED BY THE MANAGING DIRECTOR, KERALA WATER AUTHORITY
EXHIBIT-P9	A TRUE COPY OF THE INTERIM ORDER DATED 3-2-2023 IN W.P.(C).NO.3338/2023 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM

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APPENDIX OF WP(C) 4879/2023

EXHIBIT	P1	TRUE COPY OF G.O.(P) NO.7/2021/FINDTD. 07.01.2021 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P2	TRUE COPY OF G.O. (P) NO.32/2022/FIN DTD. 15.03.2022 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	Р3	TRUE COPY OF RELEVANT PAGES OF NIT NO. 127/2022-23/KWA/PHC/D1/TVM WITH LAST DATE OF SUBMISSION 12.12.2022ISSUED BY3RD RESPONDENT
EXHIBIT	P4	TRUE COPY OF WORK ORDER NO. KWA/PHC/TVPM/D1/2325/2022_5_2_1 DTD. 23.01.2023 ISSUED BY 3RD RESPONDENT TO PETITIONER
EXHIBIT	P5	TRUE COPY OF G.O. (P) NO.429/2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P6	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD. 10.01.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P 7	TRUE COPY OF ORDER DTD. 24.01.2023 IN W.P.(C). NO. 2225 OF 2023

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APPENDIX OF WP(C) 4931/2023

EXHIBIT	P1	TRUE COPY OF G.O.(P) NO.7/2021/FIN DTD. 07.01.2021 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P2	TRUE COPY OF G.O. (P) NO.32/2022/FIN DTD. 15.03.2022 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	Р3	TRUE COPY OF RELEVANT PAGES OF NIT NO. 103/SC/PHC/TSR/2022-23 WITH LAST DATE OF SUBMISSION 22.11.2022 ISSUED BY 3RD RESPONDENT
EXHIBIT	P4	TRUE COPY OF WORK ORDER NO. KWA/ PHC/TSR/D1/25131/19(PART) DTD. 02.02.2023 ISSUED BY 3RD RESPONDENT TO PETITIONER
EXHIBIT	P5	TRUE COPY OF G.O. (P) NO.429/2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P6	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD. 10.01.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P7	TRUE COPY OF ORDER DTD. 24.01.2023 IN W.P.(C). NO. 2225 OF 2023

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APPENDIX OF WP(C) 4993/2023

EXHIBIT	P1	TRUE COPY OF G.O.(P) NO.7/2021/FINDTD. 07.01.2021 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P2	TRUE COPY OF G.O. (P) NO.32/2022/FIN DTD. 15.03.2022 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	Р3	TRUE COPY OF RELEVANT PAGES OF NIT NO. 38/2022-23/PHC/KNR WITH LAST DATE OF SUBMISSION 17.01.2023 ISSUED BY 3RD RESPONDENT
EXHIBIT	P4	TRUE COPY OF WORK ORDER NO. KWA/PHC/ KNR/D2-10367/JJM/2022 DTD. 28.01.2023 ISSUED BY 3RD RESPONDENT TO PETITIONER
EXHIBIT	P5	TRUE COPY OF G.O. (P) NO.429/2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P6	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD. 10.01.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	₽7	TRUE COPY OF ORDER DTD. 13.12.2022 IN W.P.(C). NO. 39590 OF 2022

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APPENDIX OF WP(C) 6078/2023

EXHIBIT P1	TRUE COPY OF G.O.(P) NO.7/2021/FIN DTD. 07.01.2021 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P2	TRUE COPY OF G.O.(P) NO.32/2022/FIN DTD. 15.03.2022 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P3	TRUE COPY OF RELEVANT PAGES OF NIT NO. SE/PHC/MPM/73/2022-23 WITH LAST DATE OF SUBMISSION 09.01.2023 ISSUED BY 3RD RESPONDENT
EXHIBIT P4	TRUE COPY OF WORK ORDER NO.SE/PHC/MPM/DB2/ 2385/JJM/2022-23 DTD. 17.02.2023 ISSUED BY 3RD RESPONDENT TO PETITIONER
EXHIBIT P5	TRUE COPY OF G.O. (P) NO.429/2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P6	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD. 10.01. 2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P7	TRUE COPY OF G.O. (P) NO.168/2019/FIN DTD. 07.12.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P8	TRUE COPY OF ORDER DTD. 17.02.2023 IN W.P. (C). NO. 4993 OF 2023

EXHIBIT P8

APPENDIX OF WP(C) 8105/2023

PETITIONER EXHIBIT	'S
EXHIBIT P1	TRUE COPY OF G.O.(P) NO.7/2021/FIN DTD. 07.01.2021 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P2	TRUE COPY OF G.O.(P) NO.32/2022/FIN DTD. 15.03.2022 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P3	TRUE COPY OF RELEVANT PAGES OF NIT NO. 137/2022-23/kWA/PHC/D3/TVM/RT1 WITH LAST DATE OF SUBMISSION ON 20. 01.2023 ISSUED BY 2ND RESPONDENT
EXHIBIT P4	TRUE COPY OF SELECTION NOTICE NO.KWA- JJM/PHC/D3-8062/2022_5_1_1 DTD.01.03.2023 ALONG WITH ACCEPTED SCHEDULE ISSUED BY 2ND RESPONDENT TO PETITIONER
EXHIBIT P5	TRUE COPY OF G.O. (P) NO.429/2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P6	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD. 10.01.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P7	TRUE COPY OF G.O. (P) NO.168/2019/FIN DTD. 07.12.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B)

W.P.(C). NO. 2225 OF 2023

TRUE COPY OF ORDER DTD. 24.01.2023 IN

IN GOVERNMENT

PETITIONER EXHIBITS EXHIBIT P1

APPENDIX OF WP(C) 8978/2023

TRUE COPY OF G.O.(P) NO.7/2021/FIN DTD.

07.01.2021 ISSUED BY FINANCE DEPARTMENT

(INDUSTRIES & PUBLIC WORKS-B) IN

GOVERNMENT

EXHIBIT P2 TRUE COPY OF G.O. (P) NO.32/2022/FIN DTD.

15.03.2022 ISSUED BY FINANCE DEPARTMENT

(INDUSTRIES & PUBLIC WORKS-B) IN

GOVERNMENT

EXHIBIT P3 TRUE COPY OF NIT RE-TENDER 84/2022-

23/SE/Q-VOL-I WITH LAST DATE OF

SUBMISSION 03.01.2023 ISSUED BY 2ND

RESPONDENT

EXHIBIT P3 (A) TRUE COPY OF NIT RE-TENDER 84/2022-

23/SE/Q-VOL-II WITH LAST DATE OF SUBMISSION 03.01.2023 (03.01.2022)

ISSUED BY 2ND RESPONDENT

EXHIBIT P4 TRUE COPY OF WORK ORDER DTD. NIL

RECEIVED BY PETITIONER ON 06.03.2023

ISSUED BY 2ND RESPONDENT TO PETITIONER

EXHIBIT P5 TRUE COPY OF G.O. (P) NO.429/2015/FIN

DTD. 28.09.2015 ISSUED BY FINANCE

DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B)

IN GOVERNMENT

EXHIBIT P6 %. TRUE COPY OF G.O. (P) NO.1/2019/FIN

DTD. 10.01.2019 ISSUED BY FINANCE

DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B)

IN GOVERNMENT

EXHIBIT P7 TRUE COPY OF G.O. (P) NO.168/2019/FIN

DTD. 07.12.2019 ISSUED BY FINANCE

DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B)

IN GOVERNMENT

EXHIBIT P8 TRUE COPY OF ORDER DTD. 24.01.2023 IN

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W.P.(C). NO. 2225 OF 2023

EXHIBIT P9 TRUE COPY OF ORDER NO.

3042:AE(TMU)2021/KWA(1) DTD.11.01.2023

ALONG WITH TYPED COPY

APPENDIX OF WP(C) 9142/2023

PETITIONER EXHIBITS

	D1	TOTAL CODY OF C O (D) NO 7 (0001 /TTV DED
EXHIBIT	ΡI	TRUE COPY OF G.O.(P) NO.7/2021/FIN DTD. 07.01.2021 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P2	TRUE COPY OF G.O.(P) NO.32/2022/FIN DTD. 15.03.2022 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	Р3	TRUE COPY OF NIT NO. SE/PHC/TVLA/550/2022/JJM - VOL-1 DTD. 15.12.2022 WITH LAST DATE OF SUBMISSION ON 09.01.2023 ISSUED BY 2ND RESPONDENT
EXHIBIT	P3 (A)	TRUE COPY OF NIT RE-TENDER 84/2022-23/SE/Q-VOL-II DTD. 15.12.2022 WITH LAST DATE OF SUBMISSION ON 09.01.2023 ISSUED BY 2ND RESPONDENT
EXHIBIT	P4	TRUE COPY OF WORK ORDER NO. SE/PHC/TVLA/550/2022/JJM-ARUVAPULAM-II DTD.13.03.2023 ISSUED BY 2ND RESPONDENT TO PETITIONER
EXHIBIT	P5	TRUE COPY OF G.O. (P) NO.429/2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P6	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD. 10.01.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	₽7	TRUE COPY OF G.O. (P) NO.168/2019/FIN DTD. 07.12.2019 ISSUED BY FINANCE

IN GOVERNMENT

DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B)

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EXHIBIT P8

TRUE COPY OF ORDER DTD. 24.01.2023 IN W.P.(C). NO. 2225 OF 2022

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APPENDIX OF WP(C) 9729/2023

EXHIBIT	P1	TRUE COPY OF THE RELEVANT PAGES OF THE NOTICE INVITING TENDER - E-TENDER NO: 125/SE/PHC/TSR/2022-23 PUBLISHED BY THE 2ND RESPONDENT
EXHIBIT	P2	TRUE COPY OF THE LETTER NO. KWA/PHC/TSR/D1/6241/2022 DATED 16.03.2022 (SELECTION NOTICE) ISSUED BY THE 2ND RESPONDENT
EXHIBIT	Р3	TRUE COPY OF THE RELEVANT PAGES OF THE KERALA PWD MANUAL REVISED EDITION 2012
EXHIBIT	P4	TRUE COPY OF THE G.O.(P) NO. 54/2019/FIN, DATED 04.05.2019
EXHIBIT	P5	TRUE COPY OF THE G.O.(P) NO. 168/2019/FIN DATED 07.12.2019
EXHIBIT	P6	TRUE COPY OF THE UDYAM REGISTRATION CERTIFICATE (MSME) OF THE OF THE PETITIONER DATED 26.06.2021
EXHIBIT	P7	TRUE COPY OF THE LETTER NO. F.NO. 25(2)/2011- MA DATED 14.10.2011 (TO IMPLEMENT PURCHASE AND PRICE PREFERENCE POLICY FOR MSME) OF THE ADDL .DEVELOPMENT COMMISSIONER
EXHIBIT	Р8	TRUE COPY OF THE INTERIM ORDER IN W.P. (C) NO. 1994/2023 DATED 20.01.2023

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APPENDIX OF WP(C) 9815/2023

EXHIBIT	P1	TRUE COPY OF THE RELEVANT PAGES OF THE NOTICE INVITING TENDER - E-TENDER NO: 124/SE/PHC/TSR/2022-23 PUBLISHED BY THE 2ND RESPONDENT
EXHIBIT	P2	TRUE COPY OF THE LETTER NO. KWA/PHC/TSR/D5/6242/2022 DATED 16.03.2023 (SELECTION NOTICE) ISSUED BY THE 2ND RESPONDENT
EXHIBIT	Р3	TRUE COPY OF THE RELEVANT PAGES OF THE KERALA PWD MANUAL REVISED EDITION 2012
EXHIBIT	P4	TRUE COPY OF THE G.O.(P) NO. 54/2019/FIN, DATED 04.05.2019
EXHIBIT	P5	TRUE COPY OF THE G.O.(P) NO. 168/2019/FIN DATED 07.12.2019
EXHIBIT	P6	TRUE COPY OF THE UDYAM REGISTRATION CERTIFICATE (MSME) OF THE PETITIONER DATED 20.10.2020
EXHIBIT	₽7	TRUE COPY OF THE LETTER NO. F.NO. 25(2)/2011- MA DATED 14.10.2011 (TO IMPLEMENT PURCHASE AND PRICE PREFERENCE POLICY FOR MSME) OF THE ADDL.DEVELOPMENT COMMISSIONER
EXHIBIT	P8	TRUE COPY OF THE INTERIM ORDER IN W.P. (C) NO. 1994/2023 DATED 20.01.2023

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APPENDIX OF WP(C) 9831/2023

PETITIONER EXHIBITS

EXHIBIT	P1	TRUE COPY OF G.O.(P) NO.7/2021/FIN DTD. 07.01.2021 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P2	TRUE COPY OF G.O.(P) NO.32/ 2022/FIN DTD. 15.03.2022 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	Р3	TRUE COPY OF RELEVANT PAGES OF NIT RE-E- TENDER NO.123/SE/PHC/ TSR/2022-23 VOL-I WITH LAST DATE OF SUBMISSION 06.01.2023 ISSUED BY 2ND RESPONDENT
EXHIBIT	P3 (A)	TRUE COPY OF NIT RE-E-TENDER NO.123/SE/PHC/TSR/2022-23 VOL.II WITH LAST DATE OF SUBMISSION 06.01.2023 ISSUED BY 2ND RESPONDENT
EXHIBIT	P4	TRUE COPY OF WORK ORDER NO.KWA/PHC/TSR/D5/4875/2022 DTD. 16.03.2022 ISSUED BY 2ND RESPONDENT TO PETITIONER
EXHIBIT	P5	TRUE COPY OF G.O. (P) NO.429/2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	P6	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD. 10.01. 2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT	₽7	TRUE COPY OF G.O. (P) NO.168/2019/FIN DTD. 07.12.2019 ISSUED BY FINANCE

IN GOVERNMENT

DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B)

101

EXHIBIT P8

TRUE COPY OF ORDER DTD. 24.01.2023 IN W.P.(C). NO. 2225 OF 2023

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APPENDIX OF WP(C) 9933/2023

PETITIONER EXHIBITS

EXHIBIT P 1	TRUE COPY OF LETTER NO. KWA/ PHC/ TSR/ D5/ 2435/ 2022 DATED 28.6.2022 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
EXHIBIT P 1 (a) TRUE COPY OF LETTER NO. K.W.A./ P.H.C./ T.S.R./ D.5/ 2435/ 2022 DATED 29.6.2022 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER (WITHOUT ENCLOSURE)
EXHIBIT P 2	TRUE COPY OF G.O.(P) NO. 72/2021/ FIN DATED 7.1.2021 ISSUED BY THE FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B), GOVERNMENT OF KERALA.
EXHIBIT P 3	TRUE COPY OF GO(P) NO. 32/2022/ FIN DATED 15.3.2022 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B), GOVERNMENT OF KERALA.
EXHIBIT P 4	TRUE COPY OF LETTER NO. K.W.A./ P.H.C./ T.S.R./ D.5/ 2435/2022 DATED 8.3.2023 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
EXHIBIT P 5	TRUE COPY OF RELEVANT PAGES OF NOTICE INVITING TENDER (E-TENDER NO. 72/SE/PHC/TSR/2021-22) ISSUED BY THE 2ND RESPONDENT
EXHIBIT P 6	TRUE COPY OF INTERIM ORDER DATED 30.11.2022 IN WP(C) NO. 38602/2022 PASSED BY THIS HONOURABLE COURT.
EXHIBIT P 7	TRUE COPY OF GO (P) 429/2015/ FIN DATED 28.9.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B), GOVERNMENT OF KERALA.
EXHIBIT P 8	TRUE COPY OF G.O. (P) NO. 1/2019/FIN

DATED 10.1.2019 ISSUED BY FINANCE

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DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B), GOVERNMENT OF KERALA.

104

APPENDIX OF WP(C) 10014/2023

EXHIBIT P1	TRUE COPY OF UDYAM REGISTRATION CERTIFICATE BEARING NO: KL-09-0015216 DATED 24.5.2022
EXHIBIT P2	TRUE COPY OF ORDER DATED 14.10.2011 ISSUED BY THE 1ST RESPONDENT
EXHIBIT P3	TRUE COPY OF ORDER AS GO (P) NO: 1/2021 /FIN. DATED 3.1.2021
EXHIBIT P4	TRUE COPY OF INTERIM ORDER DATED 2.3.2021 IN WPC NO: 5440/'21 OF THIS HON'BLE COURT
EXHIBIT P5	RELEVANT PAGES OF THE QUOTATION PRESENTED BY THE PETITIONER DTD NIL BEFORE THE 4TH RESPONDENT
EXHIBIT P6	TRUE COPY OF THE WORK ORDER DTD 15/03/'23 ISSUED TO THE PETITIONER BY THE 4TH RESPONDENT
EXHIBIT P7	TRUE COPY OF THE REPRESENTATION DTD 17/03/'23 PREFERRED BY THE PETITIONER BEFORE THE 4TH RESPONDENT
EXHIBIT P8	TRUE COPY OF THE INTERIM ORDER DTD 4/01/'23 IN WPC 42861/'22 OF THIS HON'BLE COURT
EXHIBIT P9	TRUE COPY OF THE INTERIM ORDER DTD 8/02/'23 IN WPC 4026/'23, OF THIS HON'BLE COURT

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APPENDIX OF WP(C) 10952/2023

EXHIBIT P1	TRUE COPY OF RELEVANT PAGES OF NIT RE-E- TENDER NO. 79/2022-23/SE/PHC/CHN VOL-I DTD. 09.01.2023 ISSUED BY 2ND RESPONDENT
EXHIBIT P2	TRUE COPY OF WORK ORDER NO.PHC/CHN/JJM/4645/2022 DTD. 24.03.2023 ISSUED BY 2ND RESPONDENT TO PETITIONER
EXHIBIT P3	TRUE COPY OF G.O. (P) NO.429/2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P4	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD. 10.01.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P5	TRUE COPY OF G.O. (P) NO.168/2019/FIN DTD. 07.12.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT

106

APPENDIX OF WP(C) 11188/2023

EXHIBIT-P1	A TRUE COPY OSELECTION NOTICE DATED ON 08/03/2023 ISSUED BY THE SUPERINTENDING ENGINEER, 2ND RESPONDENT F THE
EXHIBIT-P2	A TRUE COPY OF THE GOP NO 07/2021/ FIN DATED 07/01/2021 ISSUED BY THE GOVERNMENT OF KERALA
EXHIBIT-P3	A TRUE COPY OF THE GO NO 32/2022 DATED 15/03/2022 ISSUED BY THE GOVERNMENT OF KERALA
EXHIBIT-P4	A TRUE COPY OF THE GO (P) NO.1/2019/FIN DATED 10.01.2019 ISSUED BY THE GOVERNMENT OF KERALA
EXHIBIT-P5	A TRUE COPY OF THE RELEVANT PORTION OF THE NOTICE INVITING TENDER (NIT) FOR THE WORK IN QUESTION
EXHIBIT -P6	A TRUE COPY OF THE ORDER DATED 11.01.2023 ISSUED BY THE MANAGING DIRECTOR, KERALA WATER AUTHORITY

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APPENDIX OF WP(C) 11207/2023

EXHIBIT P	21	TRUE COPY OF RELEVANT PAGES OF NIT RE-E- TENDER NO. 81/2022-23/kWA/PHC/TVLA(RT-1) 29.12.2022 ISSUED BY 2ND RESPONDENT
EXHIBIT P	22	TRUE COPY OF WORK ORDER NO.SE/PHC/TVLA/550/2022/JJM/SEETHATHODE- I DTD. 15.03.2023 ISSUED BY 2ND RESPONDENT
EXHIBIT P	?3	TRUE COPY OF G.O. (P) NO.429/ 2015/FIN DTD. 28.09.2015 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT F	24	TRUE COPY OF G.O. (P) NO.1/2019/FIN DTD. 10.01.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT
EXHIBIT P	25	TRUE COPY OF G.O. (P) NO.168/2019/FIN DTD. 07.12.2019 ISSUED BY FINANCE DEPARTMENT (INDUSTRIES & PUBLIC WORKS-B) IN GOVERNMENT

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APPENDIX OF WP(C) 11347/2023

EXHIBIT-P1	A TRUE COPY OF THE RELEVANT PORTION OF THE SELECTION NOTICE DATED ON 09/03/2023 ISSUED BY THE SUPERINTENDING ENGINEER, 2ND RESPONDENT
EXHIBIT-P2	A TRUE COPY OF THE GOP NO 07/2021/ FIN DATED 07/01/2021 ISSUED BY THE GOVERNMENT OF KERALA
EXHIBIT-P3	A TRUE COPY OF THE GO NO 32/2022 DATED 15/03/2022 ISSUED BY THE GOVERNMENT OF KERALA
EXHIBIT-P4	A TRUE COPY OF THE GO (P) NO.1/2019/FIN DATED 10.01.2019 ISSUED BY THE GOVERNMENT OF KERALA
EXHIBIT-P5	A TRUE COPY OF THE RELEVANT PORTION OF THE NOTICE INVITING TENDER (NIT) FOR THE WORK IN QUESTION DATED 5-12-2022
EXHIBIT-P6	A TRUE COPY OF THE ORDER DATED 11.01.2023 ISSUED BY THE MANAGING DIRECTOR, KERALA WATER AUTHORITY