

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1906 OF 2020

[@ SPECIAL LEAVE PETITION (C) NO. 4076 OF 2020]

THE GURUVAYOOR DEVASWOM MANAGING
COMMITTEE & ANR.

Appellant (s)

VERSUS

K.V. PRAMODH & ORS.

Respondent(s)

O R D E R

Leave granted.

After hearing the learned senior counsel appearing for the parties at length, we find that the tender was floated for the period which is going to end on 31.05.2020. The tender was initially floated on 07.05.2019 and the bid which was submitted by Respondent No. 1 was not accepted. Thereafter, fresh tender was floated, in which Respondent No. 1 did not submit his tender. Thereafter, time was extended by the High Court by passing an order dated 02.09.2019, to submit further tender. Thereafter, fresh tender was floated on 04.09.2019. The third tender floated was withdrawn on 24.09.2019 as it was issued on the basis of a misunderstanding of the order passed by the High Court. The High Court has passed the

impugned order on 20.12.2019 that the second tender which was floated, should be acted upon as there was an order of the High Court.

May be that order of the High Court was required to be complied with, however, in the facts and circumstances of the case, as the tender was floated to cover the period upto 31.05.2020, which is going to come to an end in less than three months, it would not be appropriate to grant the contract for a short period which is remaining. Therefore, we set aside the order passed by the High Court and direct that let fresh tender be issued for a period of one year. Let the tender be floated within a period of three weeks from today, in which Respondent No. 1 shall also be free to participate in accordance with law.

With respect to the blacklisting of Respondent No. 1 without hearing, the High Court has rightly set aside the order considering the allegation that was made against Respondent No. 1. It was necessary to grant opportunity of hearing to Respondent No. 1 before blacklisting. As that carries serious civil consequences, as such, we are not interfering with that part of the Judgment and order, however, the Management Committee is free to take action in accordance with law, if it so desires, in the matter of misconduct of Respondent No. 1, if any.

In view of the above modification of order, the appeal is disposed of.

No costs.

.....J.
[ARUN MISHRA]

.....J.
[INDIRA BANERJEE]

New Delhi;
MARCH 02, 2020.

ITEM NO.20

COURT NO.3

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 4076/2020

(Arising out of impugned final judgment and order dated 20-12-2019 in WP(C) No. 25406/2019 passed by the High Court Of Kerala At Ernakulam)

THE GURUVAYOOR DEVASWOM MANAGING
COMMITTEE & ANR.

Petitioner(s)

VERSUS

K.V. PRAMODH & ORS. Respondent(s)
(FOR ADMISSION and I.R. and IA No.26655/2020-EXEMPTION FROM FILING
O.T. and IA No.26654/2020-PERMISSION TO PLACE ADDITIONAL FACTS AND
GROUNDS)

Date : 02-03-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. R. Venkataramani, Sr. Adv.
Mr. P. V. Dinesh, AOR
Ms. Sindhu T.P., Adv.
Mr. Bineesh K., Adv.
Mr. Mukund P. Unny, Adv.
Mr. Ashwini Kumar Singh, Adv.

For Respondent(s) Mr. Krishnan Venugopal, Sr. Adv.
Mr. Deepak Prakash, Adv.
Mr. Nachiketa Bajpayee, Adv.
Ms. Divyangana Mallik, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed
of.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

(Signed order is placed on the file)