



2025:KER:31896

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WP(C) NO. 30475 OF 2018

PETITIONERS:

- 1 T.N.GOPALAN @ T.N.GOPALAKRISHNAN,
AGED 53 YEARS
S/O.NARAYANAN NAIR,
RESIDING AT THEKKAIAKATTIL HOUSE,
EDATHALA P.O., ALUVA,
ERNAKULAM DISTRICT, PIN - 683561.
- 2 T.C.PURUSHOTHAMAN,
AGED 46 YEARS
S/O.CHOTHI,
RESIDING AT THATHONNIMUGAL HOUSE,
NAD P.O., ALUVA,
ERNAKULAM DISTRICT, PIN-683563
- 3 RAGESH U.K.,
AGED 34 YEARS
S/O.RAGHAVAN,
RESIDING AT KAVIL HOUSE,
PAYANNUR P.O., KANUR DISTRICT, PIN-670307
- 4 K.V.SURENDRAN,
AGED 58 YEARS
S/O.VELAYUDHAN,
RESIDING AT KANIYATHU HOUSE,
VADAKODE P.O., KANGARAPADY,
ERNAKULAM DISTRICT, PIN-686021
- 5 MANI A.V., S/O.VAIRAMANI,
AGED 49 YEARS
RESIDING AT ALAMBIL HOUSE,
VADAKODE P.O., KANGARAPADY,
ERNAKULAM DISTRICT, PIN-682021.
- 6 SASI C.A.,
AGED 49 YEARS



**S/O.ANANDHAN,
RESIDING AT PERINGATTIMUGAL HOUSE,
VADAKODE P.O., KANGARAPADY,
ERNAKULAM DISTRICT, PIN-682021.**

BY ADV P.B.AJOY

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY ITS
SECRETARY TO GOVERNMENT,
DEPARTMENT OF POWER, 2ND FLOOR,
NORTH BLOCK, SECRETARIAT,
THIRUVANANTHAPURAM - 695001.**
- 2 KERALA STATE ELECTRICITY BOARD LIMITED,
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR,
VYDYUTHI BHAVANAM, PATTOM, THIRUVANTHAPURAM-695004.**
- 3 THE EXECUTIVE ENGINEER,
KSEBL ALUVA DIVISION,
ERNAKULAM DISTRICT-683101**
- 4 THE ASSISTNAT EXECUTIVE ENGINEER,
KSEBL KALAMASSERY, SUB DIVISION,
ERNAKULAM DISTRICT-683104**
- 5 THE ASSISTANT ENGINEER,
KSEBL THEVAKKAL SECTION,
ERNAKULAM DISTRICT-682021**
- 6 THE DEPUTY CHIEF ELECTRICAL INSPECTOR,
ELECTRICAL INSPECTORATE, THOPPIL ESTATE,
VYTTILA, JANATHA JUNCTION ERNAKULAM-682019**

**BY ADVS.
G.KEERTHIVAS
RIJI RAJENDRAN
SR.GOVERNMENT PLEADER SMT.SURYA BINOY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



MOHAMMED NIAS C.P., J

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W.P(C) No.30475 of 2018

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Dated this the 11th day of April, 2025

J U D G M E N T

The above writ petition is filed with the following prayers;

“i) Issue a writ of certiorari or any other appropriate writ, order or direction, calling for the records of the case leading to Exhibit P4 and quash the same.

ii) Issue a writ of Mandamus or other or any other appropriate writ, order or direction, directing the 3rd respondent to issue Experience Certificate to the petitioners.

iii) Issue a writ of Mandamus or other or any other appropriate writ, order or direction, directing the 3rd respondent to invite quotation and affix the quotations in the notice board of the concerned sections.

iv) Grant such other reliefs as this Hon'ble Court may deem fit and proper in the facts and



circumstances of the case.

v) Issue a writ of Mandamus or other or any other appropriate writ, order or direction, directing the 3rd respondent to publish the work details and quotations of the concerned sections in their website. (Prayer No.V incorporated as per the order dated 25/03/2025 in IA No.1/2024 in WPC No.30475/2018)”

2. Through Ext.P4, the Assistant Executive Engineer, Electrical Sub Division, Kalamassery gave a list of 7 contractors violating all the safety aspects to be followed for the execution of very dangerous electrical works at the field. It is also stated that during February 2018, a member of their group had met with a fatal accident while working under the Electrical section Thrikkakara under Electrical Division, Thripunithura. Hence, it was informed that if any accident occurred due to the negligence of these workers, the same would be treated seriously, and the field supervisors of KSEBL would be held responsible for the same.

3. The learned Counsel for the petitioner submits that he is only pressing the 5th prayer, namely to direct the 3rd



respondent to publish the work details and quotations of the concerned sections on their website.

4. Additional counter affidavit filed on behalf of respondents 2 to 5 disputes the very locus of the petitioners to institute the writ petition. Taking note of the fact that the Electricity Board is an instrumentality of the State and in public interest, their actions inviting tenders must be open to all interested in participating, and the process must be transparent, this Court suggested to the learned Standing Counsel for the Board to explore the possibility of an advertisement through the website to achieve the same.

5. Paragraphs 9 and 10 of the counter affidavit reads as follows;

“ 9. It is humbly submitted that the present staffing strength, particularly in key functional units such as the Information Technology wing at Trivandrum, renders it impracticable to implement a mechanism for the publication of petty work contracts across all sections of KSEBL. Accordingly, it is prayed that a reasonable time period may be granted to operationalize such a system. A minimum time-frame of three months



would be required to institute adequate infrastructural, human resource, and procedural arrangements to facilitate publication of all work-contracts.

10. It is humbly submitted that in cases involving emergency works, such as those necessitated by breakdowns due to accidents, natural calamities, or electrical hazards posing an imminent threat to life or property, advance publication of tender notices is neither feasible nor advisable. The exigencies of such situations require immediate mobilization of resources. However, in all other categories of work, wide publicity is provided, and a transparent and non-discriminatory process is followed to ensure fair and equal opportunity to all eligible bidders in accordance with applicable norms and procedures. ”

6. The statements made above are recorded. Though I find substantial force in the argument of the learned standing counsel for the KSEB on the locus of the petitioner, taking into account the public interest and to ensure transparency, the following directions are issued;

Four months is granted from today to the Board to institute



adequate infrastructural, even resources and procedural arrangements to capacitate publication of whole works contract in the website, which will prevent the allegations of favouritism in the award of grant of contract.

The Writ petition is disposed of as above.

Sd/-

MOHAMMED NIAS C.P.

JUDGE

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APPENDIX OF WP(C) 30475/2018

PETITIONER EXHIBITS :

- EXHIBIT P1** **TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE 5TH RESPONDENT DATED 14/05/2018 ALONG WITH ITS ENGLISH TRANSLATION.**
- EXHIBIT P2** **TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT DATED 15/05/2018 ALONG WITH ITS ENGLISH TRANSLATION.**
- EXHIBIT P3** **TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE SUPERINTENDENT OF POLICE VIGILANCE AND ANTI CORRUPTION BUREAU, ERNAKULAM DATED 21/06/2018 ALONG WITH ITS ENGLISH TRANSLATION.**
- EXHIBIT P4** **TRUE COPY OF THE CIRCULAR DATED 25/07/2018 BEARING NUMBER DB/GENERAL/2018-19/793 ISSUED BY THE 3RD RESPONDENT.**
- EXHIBIT P5** **THE TRUE COPY OF THE APPLICATION SEEKING EXPERIENCE SENT BY THE PETITIONERS TO THE 3RD RESPONDENT DATED 01/09/2018 ALONG WITH ITS ENGLISH TRANSLATION.**
- EXHIBIT P6** **THE TRUE COPY OF THE POSTAL RECEIPTS DATED 04/09/2018.**
- EXHIBIT P7** **THE TRUE COPY OF THE REPRESENTATION GIVEN BY THE PETITIONERS TO THE 3RD RESPONDENT DATED 01/09/2018 ALONG WITH ITS ENGLISH TRANSLATION.**
- EXHIBIT P8** **THE TRUE COPY OF THE POSTAL RECEIPTS DATED 04/09/2018.**
- EXHIBIT P9** **THE TRUE COPY OF THE EXPERIENCE CERTIFICATE ISSUED TO THE 3RD PETITIONER DATED 14.02.2020**
- EXHIBIT P10** **THE TRUE COPY OF THE EXPERIENCE CERTIFICATE ISSUED TO THE 6TH PETITIONER 19.02.2020**

// True Copy // PA To Judge