

Jaffer Khan vs State of Kerala

Jaffer Khan vs State of Kerala

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Court : Kerala

Decided On : Jan-15-2021

Judge : Honourable the Chief Justice Mr.S.Manikumar,Honourable Mr. Justice Shaji P.Chaly

Appeal No. : WP(C)/25343/2019

Appellant : Jaffer Khan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR & THE HONOURABLE MR. JUSTICE SHAJI P.CHALY FRIDAY, THE 15TH DAY OF JANUARY 2021 / 25TH POUSHA, 1942 WP(C).No.26030 OF 2019(C) PETITIONER: M/S. RDS PROJECTS LTD. A COMPANY INCORPORATED UNDER THE COMPANIES ACT, WITH ITS REGISTERED OFFICE AT HO. 427, SOMDUTT CHAMBERS-II, 9, BHIKAJI CAMA PALACE, NEW DELHI - 110 066 AND REGIONAL OFFICE AT SHIHAB THANGAL ROAD, PANAMPILLY NAGAR, KOCHI - 682 019, REPRESENTED BY ITS DIRECTOR, MR. SHASHANK GOYAL, AGED 31 YEARS, S/O. LATE

RAVINDRA NATH GOYAL.

BY ADVS. SRI.S.SREEKUMAR (SR.) SRI.ANEESH JAMES
RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY CHIEF
SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001. 2 PRINCIPAL SECRETARY,
PWD ROADS DIVISION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001. 3 ROADS AND BRIDGES
DEVELOPMENT CORPORATION OF KERALA LTD, (RBDCK), 2ND
FLOOR, PREETHI BUILDINGS, M.V. ROAD, PALARIVATTOM,
COCHIN - 682 025, REPRESENTED BY ITS MANAGING DIRECTOR.
4 KITCO (KERALA INDUSTRIAL AND TECHNICAL CONSULTANCY
ORGANIZATION) LTD. FEMITH BUILDING, PUTHIYA ROAD, P. B. NO.
1820, COCHIN - 682 022, REPRESENTED BY ITS MANAGING
DIRECTOR. SRI.K.V.SOHAN, STATE ATTORNEY FOR R1 AND R2,
SRI.K.V.MANOJ KUMAR, SC FOR R3, SRI.NITHIN GEORGE, SC FOR
R4 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15.01.2021, ALONG WITH WP(C).25343/2019(P),
WP(C).25362/2019(U), WP(C).26405/2019(A), THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR &
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY FRIDAY, THE 15TH DAY
OF JANUARY 2021 / 25TH POUSHA, 1942 WP(C).No.25343 OF 2019(P)
PETITIONER: JAFFER KHAN AGED 52 YEARS, S/O. OUKKAR HAJI,
KARUVELIL HOUSE, VENGOLA P.O., PERUMANI, ERNAKULAM DISTRICT -
683 554. BY ADVS. SRI.P.VISWANATHAN (SR.) SRI.SAIJO HASSAN
SRI.RAFEEL. V.K. SRI.BENOJ C AUGUSTIN SRI.U.M.HASSAN
SMT.P.PARVATHY SMT.SURYA P SHAJI SHRI.MANAS P HAMEED
RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY CHIEF
SECRETARY, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001. 2 SECRETARY TO GOVERNMENT,

PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001. 3 DISTRICT COLLECTOR ERNAKULAM, CIVIL STATION, ERNAKULAM - 682 030. 4 ROADS AND BRIDGES DEVELOPMENT CORPORATION OF KERALA LIMITED, 2ND FLOOR, PREETHI BUILDING, MAHAKAVI VAILOPPILLI ROAD, KOCHI, ERNAKULAM - 682 025. 5 RDS PROJECT LTD., REPRESENTED BY ITS MANAGING DIRECTOR, SHIHAB THANGAL ROAD, PANAMPILLY NAGAR, ERNAKULAM - 682 036. R1-3 BY SRI.K.V.SOHAN, STATE ATTORNEY R4 BY ADV. SHYSON.P.MANGUZHA R4 BY ADV. SRI.K.V.MANOJ KUMAR R5 BY ADV. MARTIN JOSE.P THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15.01.2021, ALONG WITH WP(C).25362/2019(U), WP(C).26030/2019(C), WP(C).26405/2019(A), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR & THE HONOURABLE MR. JUSTICE SHAJI P.CHALY FRIDAY, THE 15TH DAY OF JANUARY 2021 / 25TH POUSHA, 1942 WP(C).No.25362 OF 2019(U) PETITIONER: P.VARGHESE CHERIAN @ VARGHESE P.CHERIAN, AGED 43 YEARS, S/O.P.M.CHERIAN, RESIDING AT PUTHENVEETIL HOUSE, P.O.RAYAMANGALAM, VIA KURUPPAMPADY, PERUMBAVOOR, ERNAKULAM-683 545.

BY ADVS. SRI.C.S.MANU SHRI.S.K.PREMRAJ SRI.S.K.KRISHNAKUMAR SMT.V.SARITHA MRS.S.SREELAKSHMY SMT.RAJASREE R. NAIR SMT.MANJU E.R. RESPONDENTS: 1 UNION OF INDIA REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAVAN, NEW DELHI-110 001. 2 STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO THE STATE OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001. 3 SECRETARY, PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001. 4 NATIONAL HIGHWAYS AUTHORITY OF INDIA, G5 AND 6, SECTOR 10, DWARKA, NEW DELHI-110 075, REPRESENTED BY ITS CHAIRMAN.

5 ROADS AND BRIDGES DEVELOPMENT CORPORATION OF KERALA LIMITED, 2ND FLOOR, PREETHI BUILDING, M.V.ROAD, PALARIVATTOM, ERNAKULAM-682 025, REPRESENTED BY ITS MANAGING DIRECTOR. 6 KITCO LIMITED, FEMITH'S, PUTHIYA ROAD, N.H.BYPASS, VENNALA, ERNAKULAM-682 028, REPRESENTED BY ITS MANAGING DIRECTOR. 7 RDS PROJECT LIMITED, REGISTERED OFFICE AT 427, SOMDUTT CHAMBERS II, 9 BHIKAJI CAMA PLACE, NEW DELHI-110 066 AND HAVING ITS REGIONAL OFFICE AT SHIHAB THANGAL ROAD, PANAMPILLY NAGAR, ERNAKULAM-682 036, REPRESENTED BY ITS MANAGING DIRECTOR. R1 BY ADV. MR.RAMANARAYANA PRABHU, CGC R1 BY SRI.P.VIJAYAKUMAR, ASG R2-3 BY SRI.K.V.SOHAN, STATE ATTORNEY R4 BY ADV. I. SHEELA DEVI R4 BY ADV. SRI.K.A.SALIL NARAYANAN R5 BY ADV. SHYSON P MANGUZHA R5 BY ADV. SRI.K.V.MANOJ KUMAR, SC R6 BY ADV. SRI.REGI R7 BY ADV. MARTIN JOSE P. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15.01.2021, ALONG WITH WP(C).25343/2019(P), WP(C).26030/2019(C), WP(C).26405/2019(A), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR & THE HONOURABLE MR. JUSTICE SHAJI P.CHALY FRIDAY, THE 15TH DAY OF JANUARY 2021 / 25TH POUSHA, 1942 WP(C).No.26405 OF 2019(A) PETITIONER/S: 1 ASSOCIATION OF STRUCTURAL AND GEOTECHNICAL CONSULTING ENGINEERS, VADAKUMTHALA BUILDING, PULLEPADY, ERNAKULAM, (EKM/TC/394/2012), KERALA STATE, PIN-682 018, REPRESENTED BY ITS PRESIDENT MR.REJI ZACHARIAH. 2 DR.ANIL JOSEPH, AGED 49 YEARS, IMMEDIATE PAST PRESIDENT, ASSOCIATION OF STRUCTURAL AND GEOTECHNICAL CONSULTING ENGINEERS, VADAKUMTHALA HOUSE, PULLEPADY, COCHIN- 682 018. BY ADVS. SRI.SANTHOSH MATHEW SRI.ARUN THOMAS SRI.JENNIS STEPHEN SRI.VIJAY V. PAUL SMT.KARTHIKA MARIA SMT.VEENA RAVEENDRAN SRI.ANIL SEBASTIAN PULICKEL SMT.DIVYA SARA GEORGE SMT.JAISY

ELZA JOE RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695 001. 2 THE SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695 001. 3 ROADS AND BRIDGES DEVELOPMENT CORPORATION OF KERALA, 2ND FLOOR, PREETHY BUILDING, M.V.ROAD, PALARIVATTOM, ERNAKULAM- 682 025, REPRESENTED BY ITS MANAGING DIRECTOR. 4 KITCO LIMITED, FEMITH'S, PUTHIYA ROAD NH BYPASS, VENNALA, ERNAKULAM- 682 028, REPRESENTED BY ITS MANAGING DIRECTOR. 5 RDS PROJECT LIMITED, REGISTERED OFFICE AT 427, SOMDUT CHAMBERS II, 9 BHIKAJI CAMA PLACE, NEW DELHI- 110 066 AND HAVING ITS REGIONAL OFFICE AT SHIHAB THANGAL ROAD, PANAMPILLY NAGAR, ERNAKULAM- 682 036, REPRESENTED BY ITS MANAGING DIRECTOR.

R1-2 BY SRI.K.V.SOHAN, STATE ATTORNEY R3 BY ADV. SRI.K.V.MANOJ KUMAR R4 BY ADV. SRI.VIZZY GEORGE KOKKAT R4 BY ADV. SRI.NITHIN GEORGE,, SC, KITCO LTD R4 BY ADV. SRI.B.DEEPAK R4 BY ADV. SRI.K.L.VARGHESE (SR.) R5 BY ADV. SRI.S.SREEKUMAR (SR.) R5 BY ADV. SRI.P.MARTIN JOSE R5 BY ADV. SRI.P.PRIJITH R5 BY ADV. SRI.THOMAS P.KURUVILLA R5 BY ADV. SRI.AJAY BEN JOSE R5 BY ADV. SHRI.HARIKRISHNAN S. R5 BY ADV. SMT.HANI P.NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15.01.2021, ALONG WITH WP(C).25343/2019(P), WP(C).25362/2019(U), WP(C).26030/2019(C), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

[WP(C).26030/2019, WP(C).25343/2019, WP(C).25362/2019 & WP(C).26405/2019] Dated this the 15th day of January, 2021 S.Manikumar, C.J. In WP(C)No.26030 of 2019, the petitioner has sought for the following prayers:

i) declare that without availing to the obligation of Clause 11.4 of Exhibit P3 by conducting a load test, the decision to demolish the flyover is arbitrary, illegal and colourful exercise of power. ii) issue a Writ of Mandamus or such other Writ, Order or direction compelling the respondents to conduct load test on Palarivattom flyover to determine the structural stability and load bearing capacity before venturing into any decision of demolishing the flyover.

2. In WP(C)No.25343 of 2019, the petitioner has sought for the following prayers:

i) Issue a writ of mandamus or any other appropriate writ, direction or order of the nature of mandamus directing the respondent authorities to conduct all the appropriate test including load test by more than two agencies to ascertain the actual strength of the Palarivattom flyover in NH66 bypass in accordance with the guidelines of Indian Road Congress and

to publish the report of the said test. ii) issue a writ of mandamus or any other appropriate writ, direction or order of the nature of mandamus directing the respondent authorities to take steps to directing the 5 th respondent to rectify the defect in the present condition immediately, before demolition of the Palarivattom flyover in NH66 bypass.

3. In WP(C).No.25362 of 2019, the petitioner has sought for the following prayers:

i. Issue a Writ of Mandamus or any other appropriate writ,

order or direction directing the respondent nos. 1 to 4 to

forthwith open the Palarivattom fly-over for vehicular traffic, after conducting the essential tests, especially the load test, for assessing and ascertaining the structural stability of the fly-over in terms of the relevant/applicable Codes as prescribed by the Bureau of Indian Standards, thus enabling to ease out the traffic mayhem pursuant to the

traffic diversion plans implemented in pursuance of the closure of the fly-over for carrying out repair works. ii. Issue a Writ of Mandamus or any other appropriate writ,

order or direction directing the 7th respondent to forthwith

complete the construction of the Palarivattom fly-over and rectify all the construction discrepancies, as and when pointed out, for a span of three years from the date of completion, without causing hindrance to the free flow of vehicular traffic and in the event of the 7th respondent's non-compliance thereof, direct the 2nd respondent to

forthwith complete the construction of the Palarivattom fly-over and rectify all the construction discrepancies, without causing hindrance to the free flow of vehicular traffic and recover the expenses incurred from the 7th respondent and their assets. iii. Issue a Writ of Mandamus or any other appropriate writ,

order or direction directing the 2nd respondent to forthwith

publicize the final report submitted by the IIT, Chennai to the 2nd respondent vis-a-vis the Palarivattom fly-over. iv. Issue a Writ of Mandamus or any other appropriate writ,

order or direction directing the 2nd respondent not to

demolish or reconstruct/revamp the Palarivattom fly-over without first conducting a load test to first assess and ascertain the structural stability of the fly-over in terms of the relevant/applicable Codes as prescribed by the Bureau of Indian Standards.

4. In WP(C)No.26405 of 2019, the petitioners have sought for the following prayers: i) Issue a writ of mandamus or any other appropriate writ

order or direction, commanding the respondents 1 to 4 to

conduct a load test of Palarivattom Flyover by a competent agency within a time limit prescribed by this Hon'ble Court. ii) Issue a writ of mandamus or any other appropriate writ

order or direction, commanding the respondents 1 to 4 to

submit a detailed report regarding the cost which would be required for rectification of the defects, after the load test is done. iii) Issue a writ of mandamus or any other appropriate writ

order or direction, commanding the respondents 1 to 4 to

get the entire rectification work carried out by the contractor as per the terms of Exhibit P1. iv) Issue a writ of mandamus or any other appropriate writ

order or direction, declaring that the decision taken by the

State Government to demolish the existing Palarivattom Flyover without conducting a load test as contemplated under clause 11.4 of Section VIII Part-B of Exhibit P1 is arbitrary and illegal.

5. Earlier, on 21.11.2019, when the writ petitions came up for hearing, we issued the following directions:

(i) That the Government shall conduct a load test of the Palarivattom flyover through an approved qualified agency capable of conducting such a test, with notice to all the stakeholders.

(ii) The entire expenditure for conducting the load test shall be borne by the petitioner in WP(C)No.26030/2019.

(iii) The entire process shall be completed within a period of three months or at an early date, as may be possible.

(iv) After conducting the load test, the Government shall file a statement before this Court along with the report of the concerned agency.

6. Being aggrieved, the State of Kerala has filed S.L.P.

(C)Nos.3008-3015 of 2020 before the Hon'ble Supreme Court and while granting leave, vide judgment dated 22.9.2020 in Civil Appeal Nos.3239- 3246 of 2020 between the State of Kerala and Another v. M/s. RDS Project Limited & Others, the Apex Court has set aside the interim

order dated 21.11.2019 in W.P.(C)No.25343 of 2019 and connected

cases. Operative portion of the same reads as under:

8) Having perused the High Court judgment, what is clear is that the High Court, instead of applying the well-established parameters of judicial review and ascertaining whether the decision of the State Government would violate Article 14, went into the matter itself and stated that it is better to have a load test conducted to avoid any further controversy in the matter.

9) Given the fact that an Expert Committee, which is a High level Committee of five experts was set up to go into the divergent opinions of IIT Madras and Dr. E. Sreedharan, and the experts having come to a particular conclusion, it is very difficult then to say that the Government, in accepting such Expert Committee Report, could be said to have behaved arbitrarily. On this ground alone, we set aside the judgment of the High Court, as also the review judgment.

10) The appeals are allowed in the aforesaid terms. 11) The Writ Petitions that are pending in the High Court may be disposed of within a period of six months from today.

7. Mr.Surin George Ipe, learned Senior Government Pleader

submitted that pursuant to the directions of the Hon'ble Supreme Court, the subject bridge has been demolished and 60% of the construction is over. As on today, prayers sought for in the writ petitions do not survive. Writ petitions are,

therefore, dismissed. Pending interlocutory applications, if any, shall stand closed.
Sd/- S.Manikumar Chief Justice Sd/- Shaji P.Chaly Judge vpv APPENDIX OF
WP(C) 26030/2019 PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE
LIST OF BRIDGES CONSTRUCTED BY THE PETITIONER IN KERALA.
EXHIBIT P2 TRUE COPY OF THE RELEVANT PORTION OF SECTION VII OF
THE CONTRACT AGREEMENT. EXHIBIT P3 TRUE COPY OF RELEVANT
PORTION OF SECTION VII (PART B) OF THE CONTRACT AGREEMENT.
EXHIBIT P4 TRUE COPY OF MINUTES OF PROJECT REVIEW MEETING HELD
ON 01.09.2019 WITH 3RD RESPONDENT (RELEVANT PORTION).

EXHIBIT P5 TRUE COPY OF MINUTES OF THE MEETING HELD

ON 16.11.2016 BY THE 3RD RESPONDENT. EXHIBIT P6 TRUE COPY OF
LETTER DATED 23.11.2016 SUBMITTED BY THE PETITIONER BEFORE THE
4TH RESPONDENT. EXHIBIT P7 TRUE COPY OF LETTER DATED 13.01.2017
ISSUED BY THE PETITIONER TO RESPONDENTS 3 AND 4. EXHIBIT P8 TRUE
COPY OF COMMUNICATION DATED 27.09.2017 ISSUED BY THE PETITIONER
TO RESPONDENTS 3 AND 4. EXHIBIT P9 TRUE COPY OF LETTER DATED
18.10.2017 ISSUED BY THE PETITIONER TO RESPONDENTS 3 AND 4.
EXHIBIT P10 TRUE COPY OF LETTER DATED 05.12.2017 ISSUED BY THE
PETITIONER TO RESPONDENTS 3 AND 4. EXHIBIT P11 TRUE COPY OF THE
RECOMMENDATIONS OF M/S. SREE GIRI CONSULTANTS DATED
17.02.2018. EXHIBIT P12 TRUE COPY OF THE REPORT OF M/S. TPF
ENGINEERING PVT. LTD. ADDRESSED TO THE MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS WITH COPY TO THE 2ND RESPONDENT.
EXHIBIT P13 TRUE COPY OF THE LETTER DATED 19.03.2018 ISSUED BY
THE PETITIONER TO RESPONDENTS 3 AND 4. EXHIBIT P14 TRUE COPY OF
RELEVANT PAGES OF INTERIM REPORT OF IIT MADRAS DATED 27.03.2019.
EXHIBIT P15 TRUE COPY OF RELEVANT PAGES OF I.S.456:2000 WHICH
DEALS WITH INDIAN STANDARD PLAIN AND REINFORCED CONCRETE -
CODE OF PRACTICE. EXHIBIT P16 TRUE COPY OF RELEVANT PORTION OF
THE SECOND PART OF THE INTERIM REPORT OF IIT MADRAS DATED
27.03.2019. EXHIBIT P17 TRUE COPY OF RELEVANT PAGES OF THE CODE
OF PRACTICE OF CONCRETE ROAD, BRIDGES IRC 112-2011. EXHIBIT P18

TRUE COPY OF LETTER DATED 19.03.2019 ADDRESSED TO 3RD RESPONDENT. EXHIBIT P19 TRUE COPY OF LETTER DATED 28.03.2019 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER. EXHIBIT P20 TRUE COPY OF LETTER DATED 26.04.2019 ISSUED BY THE 3RD RESPONDENT. EXHIBIT P21 TRUE COPY OF THE RELEVANT PORTION OF THE VIGILANCE TEST RESULTS. EXHIBIT P22 TRUE COPY OF REPORT DATED 12.07.2019 SUBMITTED BY M/S BRIDGE CON INFRA CONSULTANTS PVT. LTD. BEFORE THE PETITIONER. EXHIBIT P23 TRUE COPY OF REPORT DATED 03.07.2019 SUBMITTED BY SRI. DR. E.SREEDHARAN BEFORE THE CHIEF MINISTER, STATE OF KERALA. EXHIBIT P24 TRUE COPY OF RELEVANT PORTION OF IS 13311. EXHIBIT P25 TRUE COPY OF REPORT OF DMRC IN ITS WEBSITE. EXHIBIT P26 TRUE COPY OF REPRESENTATION DATED 25.07.2019 SUBMITTED BY THE PETITIONER TO SRI DR.E.SREEDHARAN. EXHIBIT P27 TRUE COPY OF REPRESENTATION DATED 27.07.2019 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT. EXHIBIT P28 TRUE COPY OF LETTER DATED 18.09.2019 ISSUED BY THE PETITIONER TO THE RESPONDENTS. EXHIBIT P29 TRUE COPY OF RELEVANT PORTION OF REPORT OF M/S. TPF ENGINEERING PVT. LTD. RESPONDENT'S EXHIBITS: EXHIBIT R4(a) TRUE COPY OF THE LIST OF MAJOR PROJECT WORKS EXECUTED WITH CONSULTANCY SERVICES OF THE 4TH RESPONDENT AND CAPABILITY DOCUMENT. EXHIBIT R4(b)(1)TRUE COPY OF THE WORK ORDER OF ICONIC

PROJECTS EXECUTED UNDER THE CONSULTANCY OF THE 4TH RESPONDENT, ISSUED BY BHARAT ELECTRONICS LIMITED. EXHIBIT R4(b)(2)TRUE COPY OF THE WORK ORDER OF ICONIC PROJECTS EXECUTED UNDER THE CONSULTANCY OF THE 4TH RESPONDENT, ISSUED BY HINDUSTAN AERONAUTICS LIMITED.

EXHIBIT R4(c) TRUE COPY OF THE RELEVANT PORTION OF THE 'BUREAU OF INDIAN STANDARDS' PRESCRIBING "INSPECTION AND TESTING OF STRUCTURES" UNDER CLAUSE 17. EXHIBIT R4(d) TRUE COPY OF THE RELEVANT PORTION OF THE EXPLANATORY NOTE SP: 24-1983. EXHIBIT R4(e) TRUE COPY OF THE RELEVANT PORTION OF THE BOOK OF

A.M.NEVILLE IN HIS "PROPERTIES OF CONCRETE, 5TH EDITION. EXHIBIT R4(f) TRUE COPY OF IS 13311(PART 1): 1992. EXHIBIT R4(g) TRUE COPY OF IS 13311(PART 2): 1992. EXHIBIT R4(h) TRUE COPY OF IRC:112-2011 CONTAINING CLAUSE 18.8.8- INSPECTION AND TESTING OF STRUCTURES. EXHIBIT R4(i) TRUE COPY OF IS 516(PART4) : 2018. EXHIBIT R4(J) TRUE COPY OF IRC-SP-40 GUIDELINES FOR TECHNIQUES FOR STRENGTHENING AND REHABILITATION OF BRIDGES. EXHIBIT R4(k) TRUE COPY OF THE REPORT OBTAINED FROM THE

WEBSITE "SANRACHANA' SHOWING PROBLEM IN DESIGN AND RETROFITTING OF RCC CROSS GIRDERS AT METRO LINE STATIONS. EXHIBIT R4(l) TREU COPY OF THE REPORT IN HINDUSTAN TIMES SHOWING CRACKS ON ELEVATED STRETCH OF THE METRO RAIL UNDER CONSTRUCTION IN SOUTH DELHI. EXHIBIT R4(m) TRUE COPY OF THE REPORT APPEARED IN THE WEBSITE 'SANRACHANA' SHOWING THE STRUCTURAL REPAIRS OF AN UNDER CONSTRUCTION BRIDGE IN PURNIA IN BIHAR.

EXHIBIT R4(n) TRUE COPY OF THE REPORT APPEARED IN THE WEBSITE OF 'SANRACHANA' SHOWING THE STRUCTURAL REPAIR AND RETROFITTING OF CHEHRU BRIDGE ON NH-01. EXHIBIT R4(o) TRUE COPY OF THE REPORT APPEARED IN THE DECCAN CHRONICLE ON 25.09.2019 REGARDING FINAL REPORT BY IIT MADRAS. EXHIBIT R4(p) TRUE COPY OF THE ORDER RELATING TO THE ACTION TAKEN BY DMRC AGAINST M/S TANDON CONSULTANTS PVT. LTD. EXHIBIT R4 (Q) TRUE COPY OF THE NEWSPAPER REPORT SHOWING THE STATEMENT OF DR. SREEDHARAN REGARDING DEMOLITION OF THE BRIDGE. EXHIBIT R4(r) TRUE COPY OF THE RELEVANT PORTION OF THE REPORT SUBMITTED BY TPF ENGINEERING PVT LTD., MUMBAI. EXHIBIT R4(s) TRUE COPY OF THE SET OF TEST RESULTS OF CUBE TEST. EXHIBIT R4(t) TRUE COPY OF THE IRC 112: 2011 CODE. ANNEXURE R1(A) TRUE COPY OF G.O.(RT)NO.564/2019/PWD DATED 8.5.2019 ALONG WITH ENGLISH TRANSLATION. ANNEXURE R1(B) TRUE COPY OF THE LETTER DATED 3.7.2019 OF DR.E.SREEDHARAN. ANNEXURE R1(C) TRUE COPY OF THE

REPORT ALONG WITH THE COVERING LETTER DATED 12.9.2019 SIGNED BY DR.P.ALAKASUNDARAMURTHY ANNEXURE R1(D) TRUE COPY OF THE REPORT SUBMITTED BY DR.E.SREEDHARAN DATED 14.9.2019. ANNEXURE R1(E) TRUE COPY OF G.O.(RT)NO.1164/2019/PWD DATED 28.9.2019 ALONG WITH ENGLISH TRANSACTION. ANNEXURE R1(F) TRUE COPY OF THE REPORT DATED 4.10.2019 SUBMITTED BY THE HIGH LEVEL TECHNICAL COMMITTEE ALONG WITH ENGLISH TRANSLATION. ANNEXURE R1(G) TRUE COPY OF THE RELEVANT PORTION OF IRC 112-2011 PUBLISHED BY INDIAN ROADS CONGRESS. ANNEXURE R1(H) TRUE COPY OF THE RELEVANT PORTION OF IRC SP-51-2015 GUIDELINES FOR LOAD TESTING OF BRIDGES. ANNEXURE R1(I) TRUE COPY OF THE G.O.(MS)NO.52/2019/PWD DATED 25.10.2019. EXHIBIT R3(1) TRUE COPY OF THE MINUTES OF THE MEETING

(MOM) DATED 04.07.2016.

EXHIBIT R3(2) TRUE COPY OF THE MINUTES OF THE MEETING DATED 01.09.2016. EXHIBIT R3(3) TRUE COPY OF THE MINUTES OF THE MEETING DATED 11.10.2016. EXHIBIT R3(4) TRUE COPY OF THE WEATHER REPORTS FOR THE MONTH OF SEPTEMBER 2016. EXHIBIT R3(5) TRUE COPY OF THE LETTER ISSUED TO THE ENGINEER BY THIS RESPONDENT DATED 17.10.2016. EXHIBIT R3(6) TRUE COPY OF THE LETTER ISSUED TO RESPONDENT 4 WITH COPY TO THE PETITIONER (CONTRACTOR) DATED 15.11.2016. EXHIBIT R3(7) TRUE COPY OF THE MINUTES OF THE MEETING DATED 16.11.2016. EXHIBIT R3(8) TRUE COPY OF LETTER OF THE PETITIONER DATED 23.11.2016. EXHIBIT R3(9) TRUE COPY OF THE LETTER DATED 29.05.2017. EXHIBIT R3(10) TRUE COPY OF THE LETTER DATED 13.06.2017. EXHIBIT R3(11) TRUE COPY OF THE LETTER DATED 12.06.2017. EXHIBIT R3(12) TRUE COPY OF THE LETTER DATED 28.06.2017. EXHIBIT R3(13) TRUE COPY OF THE LETTER DATED 24.06.2017. EXHIBIT R3(14) TRUE COPY OF THE LETTER DATED 10.07.2017. EXHIBIT R3(15) TRUE COPY OF THE LETTER DATED 10.08.2017. EXHIBIT R3(16) TRUE COPY OF THE DEFECT NOTICE DATED 17.07.2018. EXHIBIT R3(17) TRUE COPY OF THE LETTER DATED 17.07.2018. EXHIBIT R3(18) TRUE COPY OF THE

REPORT DATED 27.03.2019

OF IIT (REPORT I-NON DESTRUCTIVE AND PARTIALLY DESTRUCTIVE TESTING AND REPORT II-ANALYSIS AND DESIGN) TO THE DIRECTOR BOARD.

EXHIBIT R3(19) TRUE COPY OF THE REPLY ISSUED BY IIT. EXHIBIT R3(20) A TRUE COPY OF THE LETTER DATED 08.08.2019 ISSUED TO DR.E.SREEDHARAN AND IIT CONSULTANT. APPENDIX OF WP(C) 25343/2019 PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF RELEVANT PAGE OF THE 'GUIDELINES FOR LOAD TESTING OF BRIDGES' PUBLISHED BY INDIAN ROADS CONGRESS. EXHIBIT P2 TRUE COPY OF REPORT DATED 1.7.2019 PUBLISHED BY 'NEW INDIAN EXPRESS'. EXHIBIT P3 TRUE COPY OF THE ONLINE JOURNAL NAMED 'CONSTRUCTION PHILOSOPHY'. RESPONDENTS' EXHIBITS: ANNEXURE R1(A) TRUE COPY OF G.O.(RT)NO.564/2019/PWD DATED 8.5.2019 ALONG WITH ENGLISH TRANSLATION. ANNEXURE R1(B) TRUE COPY OF THE LETTER DATED 3.7.2019 OF DR.E.SREEDHARAN. ANNEXURE R1(C) TRUE COPY OF THE REPORT ALONG WITH THE COVERING LETTER DATED 12.9.2019 SIGNED BY DR.P.ALAKASUNDARAMURTHY ANNEXURE R1(D) TRUE COPY OF THE REPORT SUBMITTED BY DR.E.SREEDHARAN DATED 14.9.2019.. ANNEXURE R1(E) TRUE COPY OF G.O.(RT)NO.1164/2019/PWD DATED 28.9.2019 ALONG WITH ENGLISH TRANSACTION. ANNEXURE R1(F) TRUE COPY OF THE REPORT DATED 4.10.2019 SUBMITTED BY THE HIGH LEVEL TECHNICAL COMMITTEE ALONG WITH ENGLISH TRANSLATION. ANNEXURE R1(G) TRUE COPY OF THE RELEVANT PORTION OF IRC 112-2011 PUBLISHED BY INDIAN ROADS CONGRESS. ANNEXURE R1(H) TRUE COPY OF THE RELEVANT PORTION OF IRC SP- 51-2015 GUIDELINES FOR LOAD TESTING OF BRIDGES. ANNEXURE R1(I) TRUE COPY OF THE G.O.(MS)NO.52/2019/PWD DATED 25.10.2019. APPENDIX OF WP(C) 25362/2019 PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE REPRESENTATION DATED 14.09.2019 SENT BY THE PETITIONER TO THE RESPONDENTS TOGETHER WITH POSTAL RECEIPTS THEREOF. RESPONDENT'S EXHIBITS: ANNEXURE R1(A) TRUE COPY OF

G.O.(RT)NO.564/2019/PWD DATED 8.5.2019 ALONG WITH ENGLISH TRANSLATION. ANNEXURE R1(B) TRUE COPY OF THE LETTER DATED 3.7.2019 OF DR.E.SREEDHARAN. ANNEXURE R1(C) TRUE COPY OF THE REPORT ALONG WITH THE COVERING LETTER DATED 12.9.2019 SIGNED BY DR.P.ALAKASUNDARAMURTHY ANNEXURE R1(D) TRUE COPY OF THE REPORT SUBMITTED BY DR.E.SREEDHARAN DATED 14.9.2019.. ANNEXURE R1(E) TRUE COPY OF G.O.(RT)NO.1164/2019/PWD DATED 28.9.2019 ALONG WITH ENGLISH TRANSACTION. ANNEXURE R1(F) TRUE COPY OF THE REPORT DATED 4.10.2019 SUBMITTED BY THE HIGH LEVEL TECHNICAL COMMITTEE ALONG WITH ENGLISH TRANSLATION. ANNEXURE R1(G) TRUE COPY OF THE RELEVANT PORTION OF IRC 112-2011 PUBLISHED BY INDIAN ROADS CONGRESS. ANNEXURE R1(H) TRUE COPY OF THE RELEVANT PORTION OF IRC SP-51-2015 GUIDELINES FOR LOAD TESTING OF BRIDGES. ANNEXURE R1(I) TRUE COPY OF THE G.O.(MS)NO.52/2019/PWD DATED 25.10.2019. APPENDIX OF WP(C) 26405/2019 PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE AGREEMENT EXECUTED ON 4TH MARCH, 2014 BETWEEN RESPONDENTS 3 AND 5. EXHIBIT P2 TRUE COPY OF THE CROSS SECTIONAL DRAWING OF THE BRIDGE TO GIVE A CLEAR IDEA REGARDING THE BRIDGE CONSTRUCTED. EXHIBIT P2A TRUE COPY OF THE SALIENT FEATURES OF THE PROJECT. EXHIBIT P2B TRUE COPY OF THE LETTER DATED 23.11.2016 SENT BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT. EXHIBIT P3 TRUE COPY OF THE REPORT SUBMITTED BY

PROF.DR.P.K.ARAVINDAN, RETIRED PROFESSOR IN STRUCTURAL ENGINEERING FROM IIT, MADRAS, TO RDS PROJECT LIMITED.

EXHIBIT P3A TRUE COPY OF THE REPORT DATED 16.03.2018 SUBMITTED BY TPF ENGINEERING PVT.LTD. EXHIBIT P4 TRUE COPY OF THE MINUTES OF MEETING DATED 30.07.2018 HELD IN THE CHAMBER OF MANAGING DIRECTOR, RBDCK. EXHIBIT P5 TRUE COPY OF THE REPORT NO.1 DATED 25.03.2019 SUBMITTED BY DR.P.ALAGUSUNDARAMOORTHY EXHIBIT P6 TRUE COPY OF THE REPORT 2 (PAGES 1 TO 60)

SUBMITTED BY DR.P.ALAGUSUNDARAMOORTHY WHICH DEALS WITH CONDITION ASSESSMENT AND REPAIR AND REHABILITATION OF FLYOVER AT PALARIVATTOM IN NH 66.

EXHIBIT P6A TRUE COPY OF THE LETTER DATED 19.03.2019 SENT BY DR.P.ALAGUSUNDARAMOORTHY TO THE MANAGING DIRECTOR OF RBDCK THE 5TH RESPONDENT. EXHIBIT P6B TRUE COPY OF THE LETTER DATED 28.03.2019 SENT BY THE 5TH RESPONDENT. EXHIBIT P7 TRUE COPY OF THE REPORT DATED 03.07.2019 SUBMITTED BY DR.E.SREEDHARAN TO THE HON'BLE CHIEF MINISTER OF KERALA. EXHIBIT P8 TRUE COPY OF THE ANALYSIS REPORT DATED 12TH

JULY, 2019 CARRIED OUT BY THE CONTRACTOR THROUGH BRIDGECON INFRA CONSULTANTS PVT.LTD. ANALYZING IIT REPORT. EXHIBIT P9 TRUE COPY OF THE RELEVANT PORTION OF IS SP:24-1983. EXHIBIT P10 TRUE COPY OF THE RELEVANT PORTION OF THE

GUIDELINES FOR LOAD TESTING OF BRIDGES

PUBLISHED BY INDIAN ROAD CONGRESS. EXHIBIT P11 TRUE COPY OF THE RELEVANT PORTION OF THE

GUIDELINES FOR DESIGN OF CONTINUOUS BRIDGES

PUBLISHED BY THE INDIAN ROAD CONGRESS. EXHIBIT P12 TRUE COPY OF THE RELEVANT PORTION OF THE LATEST GUIDELINES FOR LOAD TESTING OF BRIDGES (IRC:SP:51-2015). EXHIBIT P12A TRUE COPY OF THE RELEVANT PORTIONS OF THE SPECIFICATIONS FOR ROADS AND BRIDGE WORKS PUBLISHED BY THE INDIAN ROADS CONGRESS. EXHIBIT P13 TRUE COPY OF THE SUBMISSION DATED 23.09.2019 MADE BY THE FIRST PETITIONER. EXHIBIT P14 TRUE COPY OF THE RELEVANT PORTION OF THE KSTP-II MONTHLY PROJECT BRIEF OF APRIL 2017. RESPONDENT'S EXHIBITS: ANNEXURE R1(A) TRUE COPY OF G.O.(RT)NO.564/2019/PWD DATED 8.5.2019 ALONG WITH ENGLISH TRANSLATION. ANNEXURE R1(B) TRUE COPY OF THE LETTER DATED 3.7.2019 OF DR.E.SREEDHARAN.

ANNEXURE R1(C) TRUE COPY OF THE REPORT ALONG WITH THE COVERING LETTER DATED 12.9.2019 SIGNED BY DR.P.ALAKASUNDARAMURTHY ANNEXURE R1(D) TRUE COPY OF THE REPORT SUBMITTED BY DR.E.SREEDHARAN DATED 14.9.2019.. ANNEXURE R1(E) TRUE COPY OF G.O.(RT)NO.1164/2019/PWD DATED 28.9.2019 ALONG WITH ENGLISH TRANSACTION. ANNEXURE R1(F) TRUE COPY OF THE REPORT DATED 4.10.2019 SUBMITTED BY THE HIGH LEVEL TECHNICAL COMMITTEE ALONG WITH ENGLISH TRANSLATION. ANNEXURE R1(G) TRUE COPY OF THE RELEVANT PORTION OF IRC 112-2011 PUBLISHED BY INDIAN ROADS CONGRESS. ANNEXURE R1(H) TRUE COPY OF THE RELEVANT PORTION OF IRC SP-51-2015 GUIDELINES FOR LOAD TESTING OF BRIDGES. ANNEXURE R1(I) TRUE COPY OF THE G.O.(MS)NO.52/2019/PWD DATED 25.10.2019. EXHIBIT R4(A) TRUE COPY OF THE LIST OF MAJOR PROJECT WORKS EXECUTED WITH CONSULTANCY SERVICES OF THE 4TH RESPONDENT AND CAPABILITY DOCUMENT. EXHIBIT R4(B) TRUE COPY OF THE WORK ORDER OF ICONIC

(1) PROJECTS EXECUTED UNDER THE CONSULTANCY OF THE 4TH RESPONDENT, ISSUED BY BHARAT ELECTRONICS LIMITED. EXHIBIT R4(B) TRUE COPY OF THE WORK ORDER OF ICONIC

(2) PROJECTS EXECUTED UNDER THE CONSULTANCY OF

THE 4TH RESPONDENT, ISSUED BY HINDUSTAN AERONAUTICS LIMITED. EXHIBIT R4(C) TRUE COPY OF THE RELEVANT PORTION OF THE BUREAU OF INDIAN STANDARDS PRESCRIBING "INSPECTION AND TESTING OF STRUCTURES" UNDER CLAUSE 17. EXHIBIT R4(D) TRUE COPY OF THE RELEVANT PORTION OF THE EXPLANATORY NOTE SP:24-1983. EXHIBIT R4(E) TRUE COPY OF THE RELEVANT PORTION OF THE BOOK OF A.M.NEVILLE IN HIS "PROPERTIES OF CONCRETE, 5TH EDITION". EXHIBIT R4(F) TRUE COPY OF IS 13311 (PART 1) : 1992. EXHIBIT R4(G) TRUE COPY OF IS 13311 (PART 2) : 1992. EXHIBIT R4(H) TRUE COPY OF IRC 112-2011 CONTAINING CLAUSE 18.8.8 INSPECTION AND TESTING OF STRUCTURES. EXHIBIT R4(I) TRUE COPY OF IS 516 (PART 4) : 2018 EXHIBIT R4(J) TRUE

COPY OF IRC-SP-40 GUIDELINES FOR TECHNIQUES FOR STRENGTHENING AND REHABILITATION OF BRIDGES. EXHIBIT R4(K) TRUE COPY OF THE REPORT OBTAINED FROM THE

WEBSITE 'SANRACHANA' SHOWING PROBLEM IN DESIGN AND RETROFITTING OF RCC CROSS GIRDERS AT METRO LINE STATIONS. EXHIBIT R4(L) TRUE COPY OF THE REPORT IN HINDUSTAN TIMES SHOWING CRACKS ON ELEVATED STRETCH OF THE METRO RAIL UNDER CONSTRUCTION IN SOUTH DELHI. EXHIBIT R4(M) TRUE COPY OF THE REPORT APPEARED IN THE WEBSITE 'SANRACHANA' SHOWING THE STRUCTURAL REPAIRS OF AN UNDER CONSTRUCTION BRIDGE IN PURNIA IN BIHAR.

EXHIBIT R4(N) TRUE COPY OF THE REPORT APPEARED IN THE WEBSITE OF 'SABRACGABA' SHOWING THE STRUCTURAL REPAIR AND RETROFITTING OF CHEHRU BRIDGE ON NH-01. EXHIBIT R4(O) TRUE COPY OF THE REPORT APPEARED IN THE 'DECCAN CHRONICLE' ON 25.09.2019 REGARDING FINAL REPORT BY IIT MADRAS. EXHIBIT R4(P) TRUE COPY OF THE PROCEEDINGS DEBARRING M/S. TANDON CONSULTANTS AND OTHERS. EXHIBIT R4(Q) TRUE COPY OF THE THREE PAGES 173 TO 175 OF EXHIBIT P-6 REPORT OF DR.P.ALAGUSUNDARAMOORTHY. EXHIBIT R4(R) TRUE COPY OF THE OBSERVATIONS OF IIT CHENNAI AS REVEALED BY DECCAN CHRONICLE DATED 10TH OCTOBER 2019. EXHIBIT R4(S) TRUE COPY OF THE RELEVANT PAGES 168 AND

169, 180 AND 181, 186, 285 TO 289 TO 291 CONTAINING WRITTEN ANSWERS PRESENTED BY THE CONCERNED MINISTER IN THE PARLIAMENT IN RESPONSE TO THE QUESTIONS RAISED BY THE MEMBERS. /true copy/ P.A. to Judge

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