

W.P.(C) No. 3850/2021 : 1 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 13TH DAY OF JULY 2021 / 22ND ASHADHA, 1943

WP(C) NO. 3850 OF 2021

PETITIONER/S:

- 1 MUHAMMED NIZAR K,
AGED 36 YEARS
S/O. HYDRU, KINANGATTIL HOUSE, THIRUVENGAPPURA POST,
PATTAMBI, PALAKKAD, PIN - 679 304.
- 2 M.E. ANAS
AGED 40 YEARS
S/O. MOHAMED EBRAHEM, T/C. 46.454, PALLISTREET, PONNTHURA,
TRIVANDRUM, PIN - 695 026, KERALA.
- 3 ABDUL GAFOOR K
AGED 45 YEARS
S/O. HUSSAN, KANIYARATTIL HOUSE, PATTAMBI P.O,
PALAKKAD - 679 303.
BY ADV O.A.NURIYA

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 KERALA STATE ELECTRICITY BOARD LIMITED
REPRESENTED BY OFFICE OF THE CHIEF ENGINEER, (SUPPLY CHAIN
MANAGEMENT) VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM, PIN - 695 004.
- 3 DEPUTY CHIEF ENGINEER(SCM) IN CHARGE,
KERALA STATE ELECTRICITY BOARD LIMITED, VYDYUTHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM, PIN - 695 004.
BY ADVS.
R2 & R3 BY SRI.RAJU JOSEPH (SR.)
SRI.C.JOSEPH ANTONY

R1 BY SRI. SURIN GEORGE IPE SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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Dated this the 13th day of July, 2021.

JUDGMENT

SHAJI P. CHALY, J.

The petitioners, who are claiming to be, active social workers and working for the benefit of the public at large through their respective field of work, have filed this Public Interest Litigation seeking a writ of certiorari to quash Exhibit P2 tender notification issued by the Kerala State Electricity Board Ltd. (hereinafter called 'K.S.E.B Ltd. '), in so far as the technical specification required by the KSEB for the manufacture and supply of electric poles of 8 meter having a working load of only 140 kgs., overlooking its decisions taken in public interest to purchase 8m poles with 200 Kgs. working load due to safety reasons.

2. The 1st petitioner is a former journalist and presently working as Project Coordinator, National Centre for Biological Science, Bangalore. Petitioner No. 2 is the Vice President of Indian National Congress in Ambalathara Mandalam and is an active social worker working from the Puthenpalli ward, Trivandrum. The 3rd petitioner is a social activist mainly concentrating his social works in and around Palakkad District.

3. The learned counsel for the petitioners submitted that the

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petitioners have filed this writ petition with the objective of safeguarding the lives of the people, as they had faced with dreadful effects of natural calamities and had worked very hard for the people of their respective localities and also in their neighboring districts when State faced tough times during heavy rainfalls, heavy winds, the unexpected floods and landslides .

4. The respondent K.S.E.B Ltd. has invited competitive bids from suppliers for the manufacture and supply of 8m and 9m PSC Poles for various electrical circles under the Southern, Central, Northern and North Malabar Regions for a period of 2 years. As per the tender document, technical particulars required for an 8m Electric Pole is provided as 140 kgs. working load; whereas the working load prescribed for a 9 metre pole is 200 kgs. It is submitted that the specification as provided under Ext P2 tender notification is against the particulars provided by the Rural Electrification Corporation Ltd. as well as the orders passed by the KSEB Ltd. to have 8m PSC poles with 200 kgs working load, which is the prime contention advanced in the writ petition.

5. Total contract is for an amount of around Rs. 254 crores. It is submitted that the present tender notification jeopardizes the safety of lives of people of Kerala, because as per the report of the Chief Safety Commissioner of KSEB, accidents due to the breakage of poles

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is increasing at an alarming rate in the State. There were reports from the field officers that due to heavy wind and rain and falling of trees, a huge number of poles were broken. It is further submitted that the matter requires immediate and urgent attention of the Court, since if the works are awarded to the contractors at the lower specification of 8m-140 kgs, it will be highly detrimental to the public interest considering the fact of unprecedented floods and unexpected landslides accompanied by heavy rainfall and heavy winds which has been recurring in the State for past two years, and that the representations and requests submitted in that regard have fallen on deaf ears. In the above factual background, the petitioners have filed this writ petition raising the following points:

1. Ext P3 Rural Electrification Corporation of India Ltd. has provided that for an overall length of electric pole of 8 m, a working load of 200 kgs. specification is required.
2. As per the report of the Chief Safety Commissioner of KSEB, accidents due to the breakage of poles is increasing at an alarming rate in the State.
3. All the other States in India, except the State of Kerala, are following revised specifications while installing the 8m pole. In Kerala, KSEB is still following the 140 Kgs workload, which is extremely dangerous to the lives of the People.
3. As per Ext. P4 KSEB order, the Directors resolved to invite next

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tender for the supply of 8 m PSC Poles with a working load of 200 kgs. as per REC Specified 15/1979. This order of KSEB to invite future tenders with this Higher specification came in the year 2019.

4. By Ext P5 order, the KSEB decided to manufacture revised designs of electric poles of 8m and 9m with 200kgs. moulds to overcome the monopoly of existing suppliers.
5. The higher standard specification is to protect the lives of people from electrical accidents occurring due to breakage of poles.
6. Present notification is with political interests and to allow the existing suppliers to continue their monopoly.
7. Newspaper Reports about the brittle posts which cannot survive the winds and rainfalls and the arbitrary action of KSEB.

6. A counter affidavit is filed for and on behalf of the 2nd respondent stating that the petitioners themselves have stated in Para 5 of the writ petition that all other States in India, except State of Kerala and State of Madhya Pradesh, are using 8 meter Poles with 140 Kgs. working load, which according to them, is extremely dangerous. A perusal of Exhibit-P3 would show that 8 meter/200 Kgs. PSC poles should have a particular specification. There is nothing to show that REC has mandated that only 8 meter/200 Kgs. PSC poles can be used for supporting distribution lines. In this context, it may be noted that REC had issued specifications in regard to PSC poles of 8

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meter/140Kgs. also.

7. It is further submitted that Ext.R2(a) REC specification 15/1979 covers specification for 7.5M, 8.0 M and 9.0 M pre-stressed cement concrete poles with 140 Kgs. and 200 Kgs. working load and the Construction Standard B-11 published by the REC provides the details of maximum permissible spans for three phase 4 wire LT lines on 7.5M and 8M PSC poles for various types of conductors under different wind pressure conditions. Ext. R2(a) is the REC standard 15/1979 and Ext.R2(b) is the REC Construction Standard B-11. In Exhibits R2(a) and R2(b), the REC has given standards for 140 kgs. as well as 200 kgs. PSC poles. It is the prerogative of the distribution licensee to select any of these poles depending upon the site condition. The standard specification only means that for an 8 meter/200 Kgs. pole, it should satisfy the specified specifications and for 8 meter/140 Kgs. poles, the same should follow the specification prescribed in that regard. REC is not a statutory authority dealing with safety aspects.

8. According to the 2nd respondent, it is only a nodal agency of the Central Government to promote electricity generation and incidentally it has ventured to issue specifications for manufacturing PSC Poles, transformers, etc. and therefore, the contention of the petitioners relying on Exhibit-P3 specification is without any legal foundation. Presently, the KSEB is using ACSR Rabbit conductor. As per

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Exhibit R2(b), maximum span for LT lines with ACSR Rabbit conductor (7/3.35 mm) having 50 kg/m² wind pressure can be 93 meter and having 75 kg/m² wind pressure is 57.5 meters. In Kerala, the wind pressure, except during cyclones, will not go beyond 75 kg/m².

9. The contention in paragraph 6 on the basis of Ext.P4 was also denied by the 2nd respondent. In Ext.P4, the Chief Safety Commissioner as per note dated 20.03.2019 reported that while analyzing the cause of Electrical accidents during the last 2 years, it was noted that accidents due to breakage of poles is increasingly alarming and recommended certain measures to reduce the recurrence of such accidents. In regard to PSC Poles, he recommended to revise the specification of PSC Poles by including Compounded GI Wire as earthing wire and to use Lattice Type A Poles, Rail Poles or Tubular Steel Poles at cut points, Angle Points and as End Poles in HT & LT electric line and also to entrust officials of civil wing under every Electrical Circle to ensure the quality PSC Poles during every stage of its manufacturing.

10. The Director (Distribution of IT) had prepared another note on the basis of the Distribution Core Committee meeting held on 09.04.2019. In the said note, there was a recommendation to revise the design for 8 Meter PSC Poles. The note also stated that as per report from Field Officers, due to heavy wind, rain and falling of trees,

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a huge number of poles were broken, mainly LT PSC Poles. The Chief Engineer (SCM) also proposed to adopt the suggestion put forward by the Director (Distribution & IT) and Safety Commissioner. The suggestions were considered by the Full Time Directors and as per Exhibit-P4 order dated 23.09.2019, the Full Time Directors resolved to accord sanction to invite the next tender of 8 m PSC Poles with a working load of 200 kgs. as per REC specification 15/1979 and also to re-introduce departmental supervision by Assistant Engineer (Civil)/Sub Engineer (Civil) for ensuring the quality of PSC Poles and to include the same in the tender condition.

11. It is stated that yet another decision taken in the meeting was in regard to safety wire, cross arms, etc. Based on the above decision, proposal to invite next tender was placed before the Board of Directors in its meeting held on 07.11.2019 (vide Agenda 33-11/2019) for according sanction to invite fresh tenders for the manufacture and supply of 8 meter and 9 meter PSC Poles with a minimum requirement of 5,89,800 numbers of 8 meter and 2,83,050 numbers of 9 meter PSC Poles for the next two years and for according administrative sanction for an amount of Rs.325.20 Crores; however, the decision in the matter was deferred.

12. Thereafter, the Director (Distribution, IT & HRM) sought a report from the Chief Engineer (Distribution Central) as per letter

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dated 16.12.2019 in regard to 8 m length LT, HT and HT/LT lines. In response to the same, as per Ext. R2(c) letter dated 17.12.2019, the Chief Engineer (Distribution Central) reported that presently most of the lines are being constructed through the roads and average span length of the lines LT, HT & HT/LT depends on the orientation and alignment of the road and that Cross-country lines are very less in quantity and therefore, the span length depends upon the route (along the road) conditions. He, therefore, reported that the maximum common span of LT & HT lines are about 35 meters and the average can be taken as 30 meters. HT/LT lines on A Poles have a maximum of 40 to 45 meters and 9 meter poles have an average span of 30 meters. He further informed that after the introduction of Aerial Bunched Cables (ABC) for both HT & LT, the span length is limited to 25 meters for the drawal of ABC. In conclusion, he stated that the average span for PSC Poles can be taken as less than 30 meters.

13. As per Ext.R2(d) letter dated 30.12.2019, the Chief Engineer (Distribution South) replied to the Director (Distribution & IT) that the present average span length of LT, HT & HT/LT lines is 25 to 30 meters as per the prevailing field conditions. As per Ext.R2(e) letter dated 30.12.2019, the Chief Engineer (Distribution) North Malabar, Kannur replied to the Director (Distribution IT) that the average span length of LT, HT & HT/LT lines related to his region is 30

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meters. Thereafter, the Director (Distribution IT & HRM), as per letter dated 31.12.2019, sought a report from the Chief Engineer (Civil Construction South) in regard to design of 8 meter PSC Poles having strength of 140 Kg. and the safe span length and accordingly, he submitted Ext.R2(f) note dated 04.02.2020. The Chief Engineer (Civil Construction South) pointed out to the Director (Distribution IT & HRM) that the maximum span length permissible for 8 meter PSC poles with 5 numbers of rabbit conductor and two cables is 15.1 meter as per IS:875 and with 3 numbers of Rabbit Conductor with 2 numbers cables is 21 meters. However, he had reported that considering the recent test results of 8 meter PSC poles, the above spans can be increased by 100%. Thus, according to him, the maximum permissible span of 8 meter PSC poles having 140 Kgs. strength can be 30 meters and 40 meters respectively.

14. On 05.02.2020, the Director (Distribution IT & HRM) forwarded a note to the Director (Generation, Electrical & SCM), in which reference was made to the proposal of Chief Engineer (SCM) regarding introduction of 8 meter PSC Poles designed for a working load of 200 kgs. instead of the present design of a working load of 140 kgs. It is mentioned in the note that the 14th Distribution Core Committee meeting discussed the proposal in detail and recommended finalization of the design based on actual field conditions and that

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subsequently reports were called for from the Chief Engineer of Distribution regarding the prevailing average span length of low tension lines and as per the said report, the span length of LT lines is 30 meters. It is further stated that as per the report from the Chief Engineer (Civil, Construction South), the maximum permissible span for low tension 5 wire line using rabbit conductors and two cables is 40 meters. It is further stated that 17th Distribution Core Committee meeting held on 05.02.2020 discussed those reports and assessed the prevailing field condition in detail and the Core committee was of the opinion that lines along/across street where the statutory clearance required is the maximum lines are drawn mostly in HT/LT configuration using 9 meter PSC Poles or A type poles and LT lines using 8 meter PSC Poles, and where the number of conductors or the number of cables are higher than the common configuration mentioned above are mostly in urban areas where the prevailing span is much lower than the average span due to high service connection density. The Director (Distribution IT & HRM), therefore, opined that the prevailing design with a working load of 140 kgs. is sufficient for 8 meter Pole for common low tension line configuration. Ext.R2(g) is the note forwarded to the Director (Generation, Electrical & SCM) by the Director (Distribution IT & HRM) dated 05.02.2020.

15. Thereafter, the matter again came up before the Full Time

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Directors, in its meeting held on 13.02.2020, in which Exhibits R2 (b) to R2 (f) and other relevant aspects were considered and the Full Time Directors resolved to keep in abeyance Ext.P4 order dated 23.09.2019 and decided to place the matters regarding invitation of tenders and also the administrative sanction for the required amount before the Full Time Board of the KSEB Ltd. The decision in this regard was issued on 18.02.2020, as is evident from Ext. R2(h). Pursuant to the same, the matter was placed before the Board, in its meeting held on 04.03.2020, and the Board resolved to accord administrative sanction for an amount of Rs.275 crores for purchase of 5,91700 numbers 8 meter and 2,79600 of 9-meter PSC poles in all electrical circles and also resolved to accord sanction to invite tenders for the manufacture and supply 8 meter and 9-meter PSC Poles for the next two years. Thereafter, proceedings dated 4.3.2020 were issued vide Ext.R2(i) Board order dated 18.03.2020. Thus, according to the 2nd respondent, the decision to deviate from Exhibit-P4 decision of the Full Time Directors is a conscious decision taken by the Board after considering the relevant aspects and without any way compromising safety requirements.

16. It is further stated that there is no rigid specification for the design of load of PSC Poles as it is dependent on endemic conditions and loading requirements. Ext.R2(a) REC specification 15/1979

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covers the standards for 7.5M, 8M and 9M PSC poles and Ext. R2(b) REC construction standard for LT lines B-11 provide maximum span length for 8 meter PSC Poles having design loads of 200 kgs. as well as 140 kgs. at different wind pressures. According to the second respondent, the contention of the petitioners that all PSC poles shall invariably have a design load of 200 kgs. is not from a proper understanding of the factual and legal situation and even the petitioners have admitted that in other States, 8 m PSC Poles presently installed through the length and breadth of the State have a design load of 140 kgs. According to the second respondent, there is no permeating danger owing to the design working load of these poles and it is not the cause of any identifiable safety concern and the averments to the contrary in the petition are deliberate concoctions for achieving a selfish end.

17. It is further stated that the main cause of breakage of PSC Poles is due to improprieties in design. Wind load of the pole is not a commonly seen cause of breakage. It comes into play only when the pole is subjected to impacts like vehicle accidents. In such situations, changing wind load from 140 kgs. to 200 kgs. does not make any perceptible difference in the anticipated result. The primary cause of breakage of poles during the last two years is found to be due to insufficient curing and insufficient tensioning duration, which was

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caused partly due to the force upon the manufacturing system on account of extraordinary demand for poles during the period of power supply restoration works owing to unprecedented natural calamities and the same is clear from the data pertaining to pole breakage for the last three years, it is contended. Ext.R2(j) is the chart showing the quantity of PSC poles purchased from March 2018 upto December 2020 and Ext.R2(k) is the details of pole damage during the above said period. As can be seen from Exhibits R2(i) and R2 (j), a total of 7,51,225 numbers of 8 m- 140 kgs. poles were purchased during the above period, out of which the number of damaged poles was only 216. Therefore, it was submitted that the said data would clearly show that using 140 kgs. design is not a cause for any safety alarm.

18. It is also stated that lines along/across streets where the statutory clearance requirement is the maximum, are drawn mostly in the high tension/low tension configuration using 9-meter PSC poles or 'A' type Iron poles. Where the number of conductors or the number of cables are higher than the common configurations mentioned above (mostly in urban areas), the prevailing span is much lower than the average span due to high service connection density. Due to the high spatial density of houses and other establishments in urban areas, the span of lines, i.e., distance between two adjacent poles would be much lower than the average, as poles would have to be installed in short

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spans to provide individual electricity connections. In rural areas, the 2nd line configuration i.e. low tension three wire line using ACSR rabbit conductor, which accommodates a span of 40 is more common. Considering these aspects, the prevailing design with a working load of 140 kg. was found sufficient for 8-meter PSC poles for common low tension line configurations. Further, the KSEBL has advanced very well with the conversion of LT overhead lines with a completely insulated system of Aerial Bunched Cables (ABC) in urban as well as rural areas in order to improve safety and for which the maximum distance between the poles is 25 meters. As such, the decision to continue with the procurement of 8 meter PSC Poles with a design wind load of 140 kgs. was taken.

19. It is further stated that Exhibit P5 order issued by the Full Time Directors is in a different context. It is self-explanatory. There is no proposal to do away with 8m/140 PSC poles. Moreover, it is submitted that the Full Time Directors cannot override a decision of the Full Board.

20. The present suppliers of poles are Micro, Small and Medium Enterprises (MSME) in Kerala. Most of them do not presently have moulds for 8 m PSC Poles with design load of 200 kg. Installation of suitable infrastructure is a capital investment Project to which many of these units may not be capable of. From Ext.P6, it is clear that in

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spite of the fact that the tender invitation was an open tender, out of the 16 persons who responded, only 4 persons were from outside the State, which shows lack of interest for manufacturers from outside Kerala. Moreover, it would be a difficult task for the Electricity Board to supervise the manufacturing process when the poles are manufactured outside Kerala. The Electricity Board cannot wait for the manufacturers to enhance the size of their moulds, because the requirement of PSC Poles is huge and the shortage of such poles will affect the distribution system very badly.

21. It was further submitted that the KSEBL has floated the tender for the purchase of PSC poles for its system developments and the requirement of poles for restoration of poles which are likely to become damaged during the forthcoming summer rains, and the succeeding monsoon. Scarcity of poles will cause extreme difficulty in maintaining electric supply during damages, is the final submission.

22. A reply affidavit is filed by the petitioners refuting the contentions in the counter, and reiterating the stand adopted in the writ petition, and along with the same some additional documents are also produced

23. We have heard Smt. Nuriya O.A for the petitioners and Senior Advocate Sri. Raju Joseph for the KSEB Limited assisted by Adv.

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Joseph Antony, and perused the pleadings and materials on record.

24. The basic contention advanced by the petitioners is that as per the tender document, technical specification required for 8 M electrical pole is 140 Kgs. working load. According to the petitioners, the specification provided under Ext. P2 tender notification is against the requirements provided by the Rural Electrification Corporation Limited (RCL) as well as Ext. P4 orders passed by the KSEB Limited. To substantiate the same, the petitioners have brought to our notice the relevant portion of Ext. P2 pre-qualification bid dated 22.10.2020, which reads thus:

“Technical particulars of 8m and 9m poles to be manufactured as follows:

Category	Working load	Cross Section		No. of Steel wires	
		Bottom	Top	Tensioned 4 mm dia	Un-tensioned 4 mm dia
8 m	140 Kgs	275mm x 90 mm	105 mm x 90 mm	8	2 (4.72 m long)
9 m	200 Kgs.	315 mm x 105 mm	115 mm x 105 mm	12	2 (4.47 m long)

It is clear from the said technical specification that the working load of the 8m electric pole is fixed at 140 kgs., whereas that of the 9m is 200 kgs.

25. The predominant contention advanced by the petitioners is that as per Ext. P4 order dated 23.09.2019 issued by the KSEB Limited, it is clear that the Chief Safety Commissioner of KSEB has reported that the accidents due to the breakage of poles are increasing at an alarming rate in the State and the Chief Safety Commissioner has recommended the following measures to reduce the recurrence of such accidents:

“The Chief Safety Commissioner, as per note read as 1st paper above, has reported that while analysing the causes of electrical accidents, during the last two years, it was noted that accidents due to breakage of poles is increasing alarmingly and has recommended the following measures to reduce the recurrence of such accidents.

1. To revise the specification of PSC poles by incurring embedded GI wire as earthing wire.
2. To use lattice type A poles, rail poles or tubular steel poles at cut points, angle points and as end poles in HT and LT electric lines.
3. To entrust the officials of civil wing under every electrical circle to ensure the quality of PSC poles during every stage of its manufacturing.”

26. That apart, in Ext. P5 order dated 05.11.2020 issued by the KSEB Limited, it is clearly specified that in order to fill up the gap of production capacity, suggestion was made to set up more yards in the land owned by the KSEB Limited and in private land, wherever the land of KSEB Limited is not available. It was also specified thereunder that total requirement of KSEB Limited cannot be met by the PSC pole

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suppliers as per the change in design specifications suggested by the Kerala State Electricity Board Ltd. (ie., 8m-200 Kgs.). In this context, it is profitable and relevant to extract the said order of the KSEB Limited, which reads thus:

“ORDER

Kerala State Electricity Board Limited is now facing acute shortage of PSC Poles for meeting emergency requirements. At present the total requirement of PSC Poles has been arranged through tenders and have 9 Nos.. Of MSME firms within Kerala and 3 Nos. outside Kerala suppliers. The manufacturing capacity of the MSME firms within the state is less than 50% of KSEBL's requirement. Also at present Kerala State Electricity Board Limited has two pole casting units already given to MSME on lease basis for the manufacture and supply of PSC poles at Mangattuparamba and Mananthavady and same arranged through open tenders.

In order to fill the gap of the production capacity, it is suggested to set up more yards in land owned by Kerala State Electricity Board Limited and in private land wherever Kerala Electricity Board Limited's land is not available. Further it is to be noted that the total requirement of Kerala State Electricity Board Limited cannot be met by the PSC Poles suppliers in Kerala and the suppliers are reluctant for the supply of PSC Poles, as per the change in design specifications suggested by Kerala State Electricity Board Limited (i.e., 8m-200 Kg)

In order to overcome the monopoly exercised by PSC Poles suppliers in Kerala State Electricity Board Limited, proposal for setting up of new PSC

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Pole Casting Units (with moulds to suit the changed design of PSC Pole -- 8m 200 Kg and with existing design of 9m PSC Poles- 200 Kg) in the districts in which private pole casting yards are not existing /yard capacity of existing private pole casting yards are not sufficient are to be established by Kerala State Electricity Board Limited. If new pole casting yards are set up by Kerala State Electricity Board Limited, it will increase more competition among PSC Pole suppliers and hence reduced rates of PSC Poles can be expected in the subsequent tenders and benefited by Kerala State Electricity Board Limited in future.

As such new pole casting yards are proposed in the following districts in which land owned by Kerala State Electricity Board Limited are available for setting up of PSC Poles Casting Yards.

1. Thiruvananthapuram District at Pothencode.
2. Kollam District at Kundara.
3. Idukki District at Sengulam
4. Thrissur District --By renovation at the existing Choolissery Departmental Yard.
5. In Alappuzha Circle, land suitable for pole casting yard is not available with Kerala State Board Limited.

Yard capacity of the proposed yards may be considered approximately for 8m-1000 to 1500 per month and 9m-500 to 750 per month. For the setting up of a Pole Casting Yard with yard capacity of 8m-1500 Nos. per month (8m-200 kg) and 9 m-750 Nos. per month (9m-200 kg.) financial commitment to Kerala State Electricity Board Limited would be approximately Rs.4 Crore (Rupees Four Crore only). For the maintenance of the Choolissery yard, including the dismantling of existing 8m moulds to suit the changed design of

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8m-200Kg. Approximate Rs.1 Crore is required.

Also maintenance of moulds are to be carried out in the existing Mangattuparamba yard, as the moulds are in deteriorated condition and hence casting of poles now exercising difficulty. Thus, the existing deteriorated 8 m moulds in Mangattuparamba yard are to be replaced with changed design moulds of 8m-200kg and maintenance of 9m moulds are to be carried out. Approximate financial commitment would be Rs.50 Lakh. Thus the total Financial commitment for the setting up of 3 new pole casting yards at Thiruvananthapuram, Kollam and Idukki District for renovation of the Choolassery yard and Mangatuparamba yard would be approximately Rs.13.50 Crores (Rupees Thirteen Crore and Fifty Lakh only).

Administrative sanction for the amount of Rs.13.50 Crore (Rupees Thirteen Crore and fifty Lakh only) is required for the setting up of the 3 departmental yards and for the maintenance of two departmental yards at Choolissery and Mangattuparamba.

The matter was placed before Full Time Directors as per note read as 1st above. In the Note the Chairman & Managing Director sought clarification on the Wind load of the poles.

Accordingly the Director (GE&SCM) has proposed that the new pole casting yards shall setup with a wind load of 200 Kg and in the case of MSME's either the existing MSME's shall take necessary arrangements to convert to 200 kg wind-load within a specified time limit (i.e. within one year) or when ever the existing moulds gets damaged within one year, new moulds should be made in 200 kg wind load. Thus all the MSME's should be converted to 200 kg wind load in a phased manner. The Chairman & Managing Director

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has fully concurred with the revised proposal from the Director (GE&SCM) regarding the weight of 8m & 9m PSC Poles which is in tune with REC norms and sought remarks of the Distribution Core Committee from the Director (D,IT&HRM).

Accordingly the matter was taken up with the Director (D,IT&HRM) vide read as 2 above for obtaining the remarks. The Director (D,IT&HRM) has remarked that the Distribution Core Committee had already considered the matter of revising the design of PSC Poles. As such, the design for PSC Poles with 200 Kg is acceptable. Advance information regarding the change of design shall be intimated to all manufacturers. The change of design shall be implemented from future tenders.

Accordingly, the matter was placed before the Full Time Directors as per note read as 5 above. Having considered the matter in detail, the Full Time Directors in the meeting held on 04.11.2020 resolved to accord sanction for the following:

1. To accord Administrative Sanction for an amount of Rs.13.50 Crores (Rupees Thirteen Core and Fifty Lakh only) for the setting up of three Departmental PSC Pole Casting Yards at land owned by KSEBL in Thiruvananthapuram (Pothencode), Kollam (Kundara) Idukki at Sengulam, Thrissur District and in Alappuzha District.
2. To set up the new Departmental Pole Casting Yards for the manufacturing of 8m and 9 m PSC Poles with a wind load of 200 Kg.
3. To entrust the work of design & construction of the three new Departmental Pole Casting Yards and maintenance of two Departmental yards is to be entrusted with the Chief Engineer (Civil

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Construction South).

Orders are issued accordingly.

By order of the Full Time Directors,

sd/-
Lekha G.

Company Secretary in Charge.”

27. The tender proceedings pertaining to Exts. P1 and P2 were proceeded and ultimately the Pre-Qualification Committee pre-qualified 11 suppliers and discarded 4 suppliers, evident from Ext. P6 Agenda item No. 12/2020-21. The petitioners have relied on certain paper publications also as an attempt to establish that though KSEBL has decided to change the design specifications of 8 M pole to 200 Kgs., and that the present notification inviting tenders as regards 8m poles is absolutely a waste of public money, especially due to the fact that the amount involved in Exts. P1 and P2 tender proceedings are above Rs.246 Crores and a substantial amount has to be spent towards 8m poles. Therefore, according to the petitioners, the said action of the KSEB Limited, a State Government undertaking, by overlooking its own orders taking into account the safety features, is nothing but an arbitrary and illegal exercise of power conferred on the Board by virtue of the statutes constituted for the purpose. It is also pointed out that there are no reasons assigned anywhere in the orders of the Board

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produced along with the counter affidavit for change of design of 8 m poles with 200 kgs. working load, which was finalised basically taking into account safety features.

28. On the other hand, the learned senior counsel appearing for the Board submitted that the Board has decided as per Ext.R2(i) order dated 18.03.2020 to invite tenders with the specification as contained in the tender notification and merely because some opinions were expressed by the Full Time members of the Board or the Electrical Corporation Limited, and merely because some safety features were suggested, that cannot be termed as an order issued by the Board to change its design specifications. That apart, it was contended that the Electrical Corporation Limited has never insisted that the KSEB should change the specification of its 8 m poles to 200 Kgs. Apart from the same, the contentions of the Board extracted above are also pressed into service to establish that there is no illegality or arbitrariness in the tender invited by the Board and therefore, the petitioners have not made out any case for interference of this Court exercising the power of judicial discretion conferred under Article 226 of the Constitution of India.

29. The learned Senior Counsel appearing for the Board had also submitted that the KSEB Limited is put to various difficulties due

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to shortage consequent to the interim order granted by this Court. It was also pointed out that the contention advanced by the petitioners in the reply affidavit with regard to the contracts secured by M/s. Gautam Cement Works, Chennai, which establishment was qualified in the pre qualification bid in the instant tender also happened to be the lowest bid in many tenders invited by the KSEB Limited and no manner of illegality or *mala fides* can be attributed against the KSEB Limited on account of the tenders secured by M/s Gautam Cement Works, Chennai.

30. It was also submitted that nowhere in the inspection report of the Chief Safety Commissioner, it is mentioned that the poles supplied by M/s. Gautam Cements were broken and caused accidents. Anyhow, it is an admitted fact that various accidents took place due the breakage of poles and it was accordingly, that the Chief Safety Commissioner submitted the report before the Board, and the Full Time Directors of the Board, as per Exts P4 and. P5, has decided to change the design of 8m poles to 200 Kgs.

31. We have evaluated the rival submissions made across the Bar. The prime aspect emerging for consideration is whether Exts. P4 and P5 orders passed by the KSEB Limited dated 23.09.2019 and 05.11.2020 are absolute decisions taken by the Board so as to treat

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the tender notification in question as arbitrary and illegal liable to be interfered with under Article 226 of the Constitution of India. Accordingly, the intrinsic question that is formulated by the petitioners for consideration is whether in the light of Exts. P4 and P5 decisions of the KSEB Limited for procuring 8m poles with 200 kgs working load, was the KSEB Ltd right in inviting tenders for manufacture and supply of 8m poles with 140 Kgs. working load.

32. In Ext. P4 order of the Full Time Directors of the Board, it is clearly stated that the Chief Safety Commissioner, as per a note dated 20.03.2018, has reported that while analysing the case of electrical accidents during the last two years, it was noted that, the accidents due to breakage of poles is increasing alarmingly and therefore, recommended 3 measures to reduce the recurrence of such accidents i.e. (i) to revise the specification of PSC poles by including embedded GI wire as earthing wire; (ii) to use lattice type A poles, rail poles or tubular steel poles at cut points, angle points and as end poles in HT and Lt electric lines; and (iii) to entrust the officials of civil wing under every Electrical circle, to ensure the quality of PSC Poles during every stage of its manufacturing. Whereas the Full Time Directors of the Board, in its meeting held on 03.09.2019, resolved to accord sanction for the following, deviating from the suggestions made by the Chief

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Safety Commissioner for strengthening the poles as above:

1. To invite next tender for supply of 8m PSC poles with working load of 200 Kgs as per REC specifications 15/1979 and as per drawing attached as Annexure, and
2. To adopt the proposals forwarded by the Director (Distribution & IT) in future tenders i.e., (i) use of 7/3.15 mm Stay Wire for both 11 KV Lines and LT lines, (ii) usage of 2 line and 4 line channel cross arms instead of angle cross arms and (iii) reintroduction of earthing wire in 9 meter PSC Poles.

Further instructions were also issued thereunder.

33. Anyhow as per Ext. P5, it was found that the Board is facing acute shortage of PSC poles for meeting emergent requirements and the total requirement of PSC poles has been furnished for purchase by open tenders since only 9 numbers of MSME firms are within the State of Kerala and 3 numbers outside Kerala as suppliers. Accordingly, certain decisions were taken in order to fill the gap of production capacity and suggested setting up more yards in the land owned by the KSEB Ltd. and in private land wherever the land of KSEB Limited is not available. Further, it was noted thereunder that the total requirement of KSEB Limited cannot be met by the PSC poles suppliers in Kerala and the suppliers are reluctant for the supply of PSC poles as per the change in design specifications suggested by the KSEB Limited

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i.e., 8m-200 Kgs. Other decisions were taken including the decision to replace the changed design moulds of 8m 200 Kgs. in the existing Mangattuparamba yard and the maintenance of the 9 meter moulds also to be carried out from the said yard. It is interesting to note that even the approximate financial commitment was assessed, and the total financial commitment for setting up of 3 new Pole Casting Yards at Thiruvananthapuram, Kollam and Idukki District and for renovation of the Choolissery and Mangattuparamba yards was fixed approximately at Rs 13.50 crores. Therefore, it was decided to accord administrative sanction for the said amount.

34. Accordingly, the matter was placed before the Full Time Directors as per the note dated 28.09.2020 referred to in Ext. P5 extracted above. The Director (GE &SCM) has proposed that the new pole casting yards shall be set up with a wind load of 200 Kgs. and in case of MSME, either the existing MSME shall take necessary arrangements to convert to 200 Kgs. wind-load within a specified time limit (i.e. within one year) or whenever the existing moulds get damaged within one year, new moulds should be made in 200 kgs. wind-load. Thus, it was recorded that all the MSMEs should be directed to convert to 200 Kgs. wind-load in a phased manner. The Chairman and the Managing Director of the KSEB Limited has fully concurred

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with the revised proposal from the Director (GE & SCM) regarding the weight of 8 m and 9 m PSC Poles which is in tune with the REC norms and sought remarks of the Distribution Core Committee from the Director (D, IT & HRM).

35. It is significant to note that the Director (D,IT & HRM) has remarked that the Distribution Core Committee had already considered the matter of revising the design of PSC poles and as such, the design for PSC Poles with 200 Kgs. is acceptable, and consequently directed to give advance information regarding the change of design to all manufacturers. It was also decided that the change of design shall be implemented from future tenders. With the above background facts, the matter was placed before the Full Time Directors and as per the note dated 04.11.2020 of the Director, the Board after having considered the matter decided (i) to accord administrative sanction for an amount of Rs.13.50 Crores for the setting up of 3 Departmental PSC Pole Casting Yards at the land owned by the KSEB in various districts; (ii) to set up the new Departmental Pole Casting Yards for the manufacturing of 8m and 9 m PSC Poles with a wind load of 200 Kg; and (iii) to entrust the work of design & construction of the three new Departmental Pole Casting Yards and maintenance of two Departmental yards with the Chief Engineer (Civil Construction South).

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36. Therefore, it is clear from Ext. P5 order of the Board dated 05.11.2020 that the Board has taken certain definite decisions with respect to the specification of 8 m poles with a wind-load of 200 kg and further that the change of design shall be implemented from the future tenders. It is important to note that the tender invitation is dated 22.10.2020 and Ext. P4 order of the KSEB Limited is dated 23.09.2019 in which a decision was clearly taken to invite next tender for the supply of 8 m PSC Poles with a working load of 200 kgs. as per REC specifications 15/1979 and as per the drawings attached as annexure. There is no doubt that even though there is no reference made to Ext. P4 order of the Board dated 23.09.2019, Ext. P5 order of the Board extracted above is a consequential order made to the order dated 23.09.2019. Therefore, it is clear from Exts.P4 and P5 Board orders that the future tenders shall be invited with the specifications of 200 Kgs. wind-load for 8m PSC Poles. However, the contention advanced by the Board is that the Chief Safety Commissioner has only recommended incorporation of certain measures to reduce the recurrence of such accidents and has not recommended the 8m PSC Poles with 200 Kgs. working load.

37. But, in our considered opinion, taking into account the recommendation of the Chief Safety Commissioner, the Full Time

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Directors of the Board have arrived at certain specific norms or an authoritative standard in the matter of 8m PSC poles to have 200 Kgs. wind-load/working load. Therefore, what is binding on the Board is not the recommendation of the Chief Safety Commissioner, but the decision taken by the Board itself to replace 8 m PSC poles having a wind-load of 140 Kgs. with 8 m PSC poles having 200 Kgs. wind load. Even though it is strenuously contended that the Director (Distribution, IT & HRM) opined that the working load of 140 Kgs. is sufficient for 8 m poles for common low tension line configuration relying upon Ext.R2(g) dated 05.02.2020, the Board itself has taken a decision earlier as per Ext.P4 and later by Ext P5 to change the specification, which are deliberated above. The Board cannot resile from its decision taken on the basis of safety reasons based on public interest, by assigning flimsy reasons and contending that the Director has only recommended for continuance of 8m PSC poles with a working load of 140 Kgs.

38. Anyhow, it is seen from Ext.R2(h) that pursuant to Ext.P4 order dated 23.09.2019, the matter was placed before the Full Time Directors of the Board and Ext.R2(h) decision was taken on 18.02.2020. Nowhere it is stated in the said board order how the Board has overcome the issue of breakage of poles and safety aspects, which persuaded the Board to change the specifications of 8m poles,

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and why it was taking an abrupt decision to deviate from the decision taken in Ext.P4 order dated 23.09.2019. However, pursuant to Ext.R2(h), it has taken a further decision on 04.03.2020 and Ext.R2(i) proceedings were issued on 18.03.2020 according administrative sanction for an amount of Rs.275 Crores for the purchase of 5,91700 numbers of 8 m PSC poles with a wind load of 140 Kgs and 2,79600 numbers of 9 m PSC poles with wind load of 200 Kgs in all electrical circles, and also resolved to accord sanction to invite tenders for the manufacture and supply of 8 m and 9 m PSC poles for the next two years.

39. It is interesting to note that the Board has not taken any decision in the immediate aforesaid orders, with respect to the reason for change in configuration of the 8 m PSC poles with a working load of 200 Kgs. arrived at as per Ext.P4 order and the decision to invite tenders accordingly. However, it was stated that considering the reports of the Chief Engineer of Distribution Wing and the Chief Engineer (Civil Construction South) as well as the discussions in the Distribution Core Committee meeting held on 05.02.2020, the Director (Distribution, IT & HRM), as per note dated 05.02.2020, suggested that the prevailing design with the working load of 140 Kgs. would be sufficient for 8 m PSC poles for common low tension line configuration.

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40. It is significant to note that Ext.P4 order was passed by the Board taking into account the safety features of the 8 m poles and in public interest a decision was taken to replace 8 m poles having a working load of 140 Kgs. with 8 m PSC poles having a working load of 200 Kgs. Neither in Ext. R2(g) nor in Ext.R2(h), the Board has stated any reasons as to how and why it is diluting the safety features arrived at due to breakage of poles and has decided to purchase 8 m PSC poles with 140 Kgs. working load.

41. It is equally significant to note that it is after Exts.R2(g) and R2(i) that Ext.P5 decision was taken by the Board dated 05.11.2020 to set up a new Departmental Pole Casting Yards for the manufacture of 8 m and 9 m PSC poles with a wind load of 200 Kgs., taking into account the larger public interest and safety features and inviting future tenders accordingly. Therefore, it can be seen that the Board has deviated from its decision taken in Ext. P4 in order to invite tenders with change in specifications pertaining to Exts.P1 and P2 notification and the consequential proceedings for the reasons best known to the Board. This we highlight because, if the board wanted to deviate from the order taking into account the safety features, it ought to have assigned sufficient and adequate reasons. The said attitude of the Board can only be viewed as unjustifiable for the reasons assigned elaborately above, especially due to the fact that later as per Ext.P5,

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the Board has retracted from its orders referred to in the counter and discussed above, and decided to go ahead with the change in specification as regards 8 m PSC poles having a working load of 200 Kgs.

42. Taking into account the above aspects, we are of the view that the Board has deviated from Ext.P4 and had taken Exts.R2(g), R2(h) and R2(i) decisions without any *bona fides*, added to the fact that no reasons are assigned for its sudden deviation for a short while after Ext P4 decision taken on 23.09.2019 and returning to the said decision within a very short span as per Ext. P5 order dated 5-11-2020. This is more so due to the fact that a large number of 8m poles were decided to be purchased with a specification of 140 Kgs. wind load. Whereas, if the Board was of the opinion that in order to meet up with any emergent requirements, it ought to have manufactured the same in its premises or purchased 8 m PSC poles with 140 Kgs. to tide over the emergent situations, instead of inviting tenders for lakhs and lakhs of poles with the said specification.

43. We say so because, the Board at one point of time, was of the clear opinion that the breakages are caused due to the flaw in structural design of 8m poles and it was accordingly, decided to change the specifications; but the Board has taken a sudden deviation later as deliberated above, which is a suspicious stop gap arrangement

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in between Ext. P4 and P5 board orders, and, which in our view, is against public interest on account of safety and economic reasons. To put it otherwise, public interest should be given utmost preference and importance, and in fact the same was given by the Board, but later ignored for a short span for the reasons best known to the Board, which action would have to be viewed with greater suspicion taking into consideration the larger public interest. Therefore, we have no hesitation to hold that the decision of the Board to proceed with Exts.P1 and P2 tenders so far as concerning 8m poles with a working load of 140 Kgs. cannot be sustained under law.

44. Even though the learned senior Counsel for the Board has submitted that since it is a policy decision of the Board, the writ court may not interfere, we are of the firm opinion that if and when there are clear arbitrariness or patent illegality or other substantial, solid and stable legal infirmities, or outrageous action discernible from the face of the record, this Court would be absolutely justified in exercising the power of judicial review conferred under Article 226 of the Constitution of India. Therefore, when the above discussed aspects are considered on the touchstone of Article 14, change in policy made by the Board for a short period overlooking public interest and public safety is totally unreasonable. To justify and legitimize the said logic arrived at by this Bench, it would be fruitful to note the elementary

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principles that validate judicial interference in administrative actions as enunciated by the House of Lords in **Council of Civil Service Unions v. Minister for the Civil Service**, [(1984) 3 All ER 935]; they are “illegality”, “irrationality” and “procedural impropriety”.

45. In this context, we also propose to refer to a few relevant judgments of the Apex Court:

In **Union of India v. International Trading Co., (2003) 5 SCC 437**, while considering the scope of interference in the grant of permits under maritime laws for deep-sea fishing vessels, it was held as follows:

"15. While the discretion to change the policy in exercise of the executive power, when not trammelled by any statute or rule is wide enough, what is imperative and implicit in terms of Article 14 is that a change in policy must be made fairly and should not give the impression that it was so done arbitrarily or by any ulterior criteria. The wide sweep of Article 14 and the requirement of every State action qualifying for its validity on this touchstone irrespective of the field of activity of the State is an accepted tenet. The basic requirement of Article 14 is fairness in action by the State, and non-arbitrariness in essence and substance is the heartbeat of fair play. Actions are amenable, in the panorama of judicial review only to the extent that the State must act validly for a discernible reason, not whimsically for any ulterior

purpose. The meaning and true import and concept of arbitrariness is more easily visualized than precisely defined. A question whether the impugned action is arbitrary or not is to be ultimately answered on the facts and circumstances of a given case. A basic and obvious test to apply in such cases is to see whether there is any discernible principle emerging from the impugned action and if so, does it really satisfy the test of reasonableness."

46. In **DDA v. Joint Action Committee, Allottee of SFS Flats, (2008) 2 SCC 672**, the Hon'ble Apex Court, in the matter of allocation of flats, considered the issue of the realm of interference of constitutional courts in policy matters and held thus:

"64. An executive order termed as a policy decision is not beyond the pale of judicial review. Whereas the superior courts may not interfere with the nitty-gritty of the policy, or substitute one by the other but it will not be correct to contend that the court shall lay its judicial hands off, when a plea is raised that the impugned decision is a policy decision. Interference therewith on the part of the superior court would not be without jurisdiction as it is subject to judicial review."

47. In **Centre for Public Interest Litigation v. Union of India, (2016) 6 SCC 408**, the Apex Court, while considering the question of award of spectrum, had occasion to delve into the principles of judicial scrutiny in policy decisions and held so:

“26. It cannot be doubted that the primary and central purpose of judicial review of the administrative action is to promote good administration. It is to ensure that administrative bodies act efficiently and honestly to promote the public good. They should operate in a fair, transparent, and unbiased fashion, keeping in forefront the public interest. To ensure that the aforesaid dominant objectives are achieved, this Court has added new dimension to the contours of judicial review and it has undergone tremendous change in recent years. The scope of judicial review has expanded radically and it now extends well beyond the sphere of statutory powers to include diverse forms of “public” power in response to the changing architecture of the Government...”

48. Therefore, in our considered view, the action of the Board requires interference and accordingly, we quash that portion of Exts.P1 and P2 tender documents concerning 8m PSC Poles with 140 Kgs working load, however leave open the liberty of the Board to invite tenders in accordance with the decision taken in regard to 8 m PSC poles with 200 Kgs. working load in Ext.P4 and P5 orders of the Board referred to above specifically.

The writ petition is allowed as above.

sd/-
S. MANIKUMAR,
CHIEF JUSTICE.

sd/-
SHAJI P. CHALY,
JUDGE.

Rv

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APPENDIX OF WP(C) 3850/2021

PETITIONERS' ANNEXURES:

- EXHIBIT P1 TRUE COPY OF BID NO. SCM/KSEB/EP.46/2021-21 DATED 22.10.2020 ISSUED BY THE DEPUTY CHIEF ENGINEER(SCM) IN CHARGE OF KSEB LTD.
- EXHIBIT P2 TRUE COPY OF TENDER DOCUMENT BID NO KSEB/SCM/EP.46/2020-21 DATED 22.10.2020 ISSUED BY THE DEPUTY CHIEF ENGINEER (SCM) IN CHARGE OF KSEB LTD.
- EXHIBIT P3 TRUE COPY OF TECHNICAL PARTICULARS REQUIRED BY RURAL ELECTRICAL NOTIFICATION LIMITED AS PER REC SPECIFICATION NO. 24/1983.
- EXHIBIT P4 TRUE COPY OF ORDER NO. B.O (FTD) NO.710/2019 (PC/SCM/2019-20/PSC POLES - DESIGN//4014) DATED 23.09.2019.
- EXHIBIT P5 TRUE COPY OF ORDER NO. B.O(FTD) NO. 665/2020 D(G-E & SCM)/G1/2020-21 DATED 05.11.2020 ISSUED BY COMPANY SECRETARY IN CHARGE.
- EXHIBIT P6 TRUE COPY OF THE MINUTES OF PRE QUALIFICATION COMMITTED MEETING NO. 12/2020-21 DATED 4.2.2021.
- EXHIBIT P7 TRUE COPY OF NEWSPAPER REPORT PUBLISHED IN MATHRUBHOOMI DAILY DATED 03.02.2020.
- EXHIBIT P7(a) TRUE COPY OF NEWSPAPER REPORT PUBLISHED IN TIMES OF INDIA DAILY DATED 10.06.2018.
- EXHIBIT P7(b) TRUE COPY OF NEWSPAPER REPORT PUBLISHED IN MATHRUBHOOMI ONLINE DATED 22.07.2018.
- EXHIBIT P8 TRUE COPY OF RELEVANT PAGES OF REPORT OF VIGILANCE ENQUIRY NO.C.S.C/SAFETY-GENERAL/2019-20/282 DATED 24.07.2019 WITH ENGLISH TRANSLATION.
- EXHIBIT P8(a) TRUE ENGLISH TRANSLATION OF EXHIBIT P8.
- EXHIBIT P9 TRUE COPY OF LETTER SENT BY DEPUTY CHIEF ENGINEER TO THE DIRECTOR (DISTRIBUTION CAPs & IT) no. TS3/PMU/2018-2019 DATED 21.07.2018.
- EXHIBIT P10 TRUE COPY OF NOTE TO CHIEF ENGINEER (SCM) BY DISTRIBUTION & IT NO. D (D&IT)/D6-AE3/DCC-MoM 14/2019 DATED NIL.
- EXHIBIT P11 TRUE COPY OF PROPOSAL OF DEPUTY CHIEF ENGINEER TO HTE CHIEF ENGINEER NO.ECP/T1/GENERAL/2019-20/1286 DATED 19.07.2019.
- EXHIBIT P12 TRUE COPY OF LIST OF ACCIDENTS OCCURRED DUE TO BREAKAGE OF PSC POLES DURING THE PERIOD FROM 04.2019 TO 28.02.2021.
- EXHIBIT P13 TRUE COPY OF NEWSPAPER REPORT PUBLISHED IN MANORAMA DATED 15.05.2021.

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RESPONDENTS' EXHIBITS:

EXT.R2(a): TRUE COPY OF THE RELEVANT PAGES OF THE REC STANDARD 15/1979.

EXT.R2(b): TRUE COPY OF THE REC CONSTRUCTION STANDARD B-11.

EXT.R2(c): TRUE COPY OF THE LETTER FROM THE CHIEF ENGINEER (DISTRIBUTION) (CENTRAL) TO THE DIRECTOR (DISTRIBUTION), IT & HRM DATED 17.12.2019.

EXT.R2(d): TRUE COPY OF THE LETTER FROM THE CHIEF ENGINEER (DISTRIBUTION SOUTH) TO THE DIRECTOR (DISTRIBUTION & IT) DATED 30.12.2019.

EXT.R2(e): TRUE COPY OF THE LETTER FROM THE CHIEF ENGINEER (DISTRIBUTION) NORTH MALABAR, KANNUR DATED 30.12.2019.

EXT.R2(f): TRUE COPY OF THE NOTE SUBMITTED BY CHIEF ENGINEER (DISTRIBUTION, IT & HRM) DATED 04.02.2020.

EXT.R2(g): TRUE COPY OF THE NOTE FORWARDED TO THE DIRECTOR (GENERATION, ELECTRICAL & SCM) BY THE DIRECTOR (DISTRIBUTION IT & HRM) DATED 05.02.2020.

EXT.R2(h): TRUE COPY OF THE DECISION OF FULL TIME DIRECTORS DATED 18.02.2020.

EXT.R2(i): TRUE COPY OF THE BOARD ORDER DATED 18.03.2020.

EXT.R2(j): TRUE COPY OF THE BOARD ORDER DATED 18.03.2020.

EXT.R2(k): DETAILS OF POLE DAMAGE DURING THE ABOVE SAID PERIOD.

/True Copy/

PS To Judge.

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