



2025:KER:64935

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

WEDNESDAY, THE 27TH DAY OF AUGUST 2025 / 5TH BHADRA, 1947WP(C) NO. 19992 OF 2023PETITIONERS:

- 1 V.D. SATHEESHAN M.L.A.
AGED 59 YEARS
S/O. DAMODARA MENON, LEADER OF OPPOSITION, MEMBER, KERALA
LEGISLATIVE ASSEMBLY, RESIDING AT DEVARAGAM, KESARI
JUNCTION, PERUVARAM WEST, NORTH PARAVUR P.O., PARAVUR,
ERNAKULAM DISTRICT, PIN - 683513
- 2 RAMESH CHENNITHALA M.L.A.,
AGED 67 YEARS
S/O. LATE RAMAKRISHNA PILLA, MEMBER, KERALA LEGISLATIVE
ASSEMBLY, RESIDING AT 485, ANANDAMINDIRAM, NEAR SUBRAMANIA
SWAMY TEMPLE, 28, HARIPPAD, ALAPPUZHA DISTRICT, PIN - 690514

BY SRI.GEORGE POONTHOTTAM (SR.)
SMT.NISHA GEORGE
SRI.ARUN CHANDRAN
SRI.J.VISHNU
SRI.A.L.NAVANEETH KRISHNAN
SHRI.SIDHARTH.R.WARIYAR

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 STATE OF KERALA, DEPARTMENT OF TRANSPORT, REPRESENTED BY THE
PRINCIPAL SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 3 STATE OF KERALA



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DEPARTMENT OF FINANCE, REPRESENTED BY THE ADDITIONAL CHIEF
SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -
695001

- 4 STATE OF KERALA
DEPARTMENT OF INDUSTRIES, REPRESENTED BY THE PRINCIPAL
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- 5 THE TRANSPORT COMMISSIONER
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THIRUVANANTHAPURAM, PIN - 695043
- 6 KERALA STATE ELECTRONICS DEVELOPMENT CORPORATION LTD
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THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING DIRECTOR. E-
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- 7 M/S SRIT INDIA PVT. LTD
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AL HIND TOWER, OPP. PLANETARIUM, JAFFERKHAN COLONY ROAD,
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- 9 PRESADIO TECHNOLOGIES PRIVATE LIMITED
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ADMIN@PRESADIOTECHNOLOGIES.COM, PIN - 673009
- 10 LYTE MASTER LIGHTING INDIA (P) LTD.
[A COMPANY REGISTERED UNDER THE COMPANIES ACT 2013], OFFICE
AT K.P. 111/955, SHEETHAL MANSIONS, NERA UDAYANNOOR SIVAN
TEMPLE, NALANCHIRA P.O., THIRUVANANTHAPURAM - 695015,
REPRESENTED BY ITS MANAGING DIRECTOR E-MAIL:
LYTEMASTER.CHENNAI@GMAIL.COM
- 11 ECENTRIC DIGITAL PRIVATE LIMITED
(CIN) U72100TG2014PTC094736, REG.NO. 94736, 6-3-663/G/4, 2ND
FLOOR, INNOVATIVE HOUSE, PUNJAGUTTA, HYDERABAD, TELANGANA
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- 12 M/S. AKSHARA ENTERPRISES INDIA PRIVATE LIMITED
3-6-182/1&2, STREET NO-17, URDU HALL LANE, TS STATE, AP
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- 13 M/S. ASHOKA BUILDCON LTD.
S.NO - 861, ASHOKA HOUSE, ASHOKA MARG, ASHOKA NAGAR, 13B,
GULSHAN COLONY, NASHIK, MAHARASHTRA 422011, REPRESENTED BY
ITS MANAGING DIRECTOR

BY AG, SHRI GOPALAKRISHNA KURUP
SHRI.N.MANOJ KUMAR, STATE ATTORNEY
SMT.M.A.ZOHRA
SHRI.SHYAM PADMAN (SR.)
SHRI.P.BINOD
SHRI.P.SREEKUMAR (SR.)
SHRI. ADITYA UNNIKRISHNAN
SRI.MANSOOR ALI
SHRI.RAJEESH V.R.
SHRI.C.M.ANDREWS
SMT.BOBY M.SEKHAR
SMT.LAYA MARY JOSEPH
SHRI.HARISH ABRAHAM
SMT.NICHU WILLINGTON
SMT.ASHWATHI SHYAM
SHRI.MUHAMMED SUHAIL P.A.
SMT.HELEN P.A.
SMT.STEPHANIE SHARON
SHRI.ATHUL ROY
SRI.P.S.MURALI
SMT.HARITHA HARINATH
ADVOCATE GENERAL
SHRI.V.MANU, SENIOR G.P.
SMT.SARITHA K.S.
SMT.BINISHA BABY
SHRI.ARAVIND RAJAGOPALAN MENON
SHRI.V.MANU, SPL.G.P. TO A.G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR HEARING ON 28.7.2025,
THE COURT ON 27.8.2025 DELIVERED THE FOLLOWING:



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J U D G M E N T

(Dated this the 27th day of August 2025)

Basant Balaji J.,

The Leader of the Opposition of Kerala Legislative Assembly and an elected member of the Legislative Assembly have filed this Public interest litigation Petition for the following reliefs:

i. Issue a writ of certiorari calling for the records leading to Exhibits-P3 and P27 and to quash the same;

ii. Issue a Writ declaring that the 7th Respondent is unqualified to participate in the tender process instituted by the issuance of Exhibit-P6 tender document, as they do not have any expertise in traffic signal monitory and since they do not satisfy the stipulations that are provided in Exhibit-P6;`

iii. Issue a Writ directing a Court monitored enquiry into the project for Automated Traffic Enforcement System for Safe Kerala and its execution;

iv. Issue a writ declaring that Exhibit-P5 service level agreement between Motor Vehicle Department and the 6th Respondent, Exhibit-P12 letter of intent issued by the 6th Respondent to the 7th Respondent, Exhibit-P14 agreement between the 6th and 7th Respondent, are per se illegal and ought to be set aside;

2. To tackle Kerala's high rate of road accidents, which exceeds the national average and ranks fifth in India, the Government has launched a new initiative. The manual enforcement efforts were deemed insufficient, prompting the Government to act on the recommendations of the



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Supreme Court's Committee on Road Safety. The 5th respondent was directed to implement effective measures to reduce accidents and fatalities. As a result, Sri. P.D. Sunil Babu, a retired Regional Transport Officer (Enforcement) and former Special Officer for the Safe Zone Project in Sabarimala, was appointed as a Traffic Safety Expert in the Kerala Road Safety Authority. His task was to prepare a comprehensive project report to improve road safety in the state.

3. On 30 June 2017, the Traffic Safety Expert, P.D. Sunil Babu, submitted a comprehensive report. This report outlined a road safety mission and strategies aimed at reducing accidents and improving transportation efficiency. It identified the primary causes of accidents, proposed mitigation measures, and set specific targets. Key recommendations included establishing control stations in every district and increasing the staff of the Motor Vehicle Department (M V Department).

4. The submitted proposal included a detailed plan for enhancing road safety. Key components of this plan were establishment of 14 fully equipped control stations, creation of new positions within the MV Department, from Regional Transport Officers (RTOs) to peons, acquisition of 65 new vehicles and the installation of wireless communication systems for patrolling teams, deployment of surveillance cameras along National Highways, State Highways, other major roads, junctions, and check posts. These cameras would be linked to the district control stations. The expert projected that these measures would not only



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improve traffic control and public safety but also generate an estimated annual income of ₹250 crores from compounding fees.

5. Following the submission of the road safety report by P.D. Sunil Babu, the Transport and Finance Departments of the Kerala Government reviewed the proposal. As a result, the Transport Secretary directed the 5th Respondent to modify the project plan. The new directives specified that vehicles and drivers should be acquired through a three-year wet lease, while control room operations and data processing could be outsourced to a private agency. Only Departmental officials, specifically the RTO, MVI, and AMVI, were to be posted in the control rooms. The 5th Respondent was instructed to recalculate the project's costs based on these changes and resubmit the proposal to the Government.

6. Following the Government's directives, the 5th Respondent submitted a revised proposal called "Safe Kerala - proposal for a separate enforcement wing of Motor Vehicle Department." In this new submission, the 5th Respondent argued against outsourcing key activities, stating it was not feasible. The concern was that if contracted employees were to embezzle or misappropriate collected funds, the Government would be unable to hold them accountable. Furthermore, entrusting statutory functions to outsourced staff could lead to significant legal complications.

7. The revised "Safe Kerala" proposal, submitted by the 5th Respondent, outlined a plan costing ₹127.18 crores. This plan included



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establishing 51 new enforcement squads, 14 control rooms, and allocating resources for permanent staff, daily wage workers, infrastructure, and equipment. The document also highlighted a significant increase in compounding fee collections, from ₹40.5 crores in 2011-2012 to ₹56.43 crores with 17 squads, and further to ₹86.24 crores in 2016-2017 with 34 squads. Based on this data, the 5th Respondent projected that implementing the "Safe Kerala" project would boost annual compounding fee revenue to be over ₹300 crores.

8. A committee led by Shri. Shibu K. Itty, the Regional Transport Officer of Alappuzha, was formed by the 5th Respondent to thoroughly examine the manpower, IT, and infrastructure needs for the efficient operation of the "Safe Kerala" control rooms and to create necessary templates. Serving as both the Nodal Officer for the project and the Regional Transport Officer, Shri. Itty submitted an initial report to the 5th Respondent on 10 May 2019. He followed this with a more comprehensive report on 21 June 2019, which detailed all aspects of the proposed control rooms for the 14 districts. This detailed report included specifications for infrastructure, office interiors, and the deployment of advanced equipment, such as cameras with artificial intelligence for automated traffic violation detection. The report outlined two financial models for the project: the Capex Model, with an estimated cost of ₹79 crores, and the Build, Own, Operate, Transfer (BOOT) – Annuity model, which would cost ₹150 crores and involve guaranteed quarterly payments over a five-year period.



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9. On 7 August 2019, a meeting was convened by the Hon'ble Minister for Transport, Kerala, to discuss the "Safe Kerala" project. The meeting included the Principal Secretary of the Department of Transport, the Transport Commissioner (in-charge), the Road Safety Commissioner, the Safe Kerala State Nodal Officer, and representatives from the 6th Respondent. The primary focus of the meeting was a detailed presentation of the project, including its design, implementation, and management strategies. The 6th Respondent explained how a system using advanced technology and automated enforcement could effectively reduce road accidents. Following this presentation, the 6th Respondent was instructed to submit a revised techno-commercial project proposal for further review.

10. In response, the 6th Respondent, on 22 August 2019, submitted a detailed Project Proposal for Advanced Automated Traffic Enforcement System and Facility Management Services under the Safe Kerala Project to the MV Department through the 5th Respondent. The proposal by the 6th Respondent comprised AI (Smart) camera systems, setting up of one central control room, capital expenditure for control rooms in 12 districts of the State, providing necessary equipment at control rooms, Radar based speed Enforcement system, and a Mobile radar - based Speed Violation Detection System (SVDS) with vehicle. It also included Facility Management Service for maintaining the facility and deploying employees in 14 control rooms, including the 2 extra control rooms in Thiruvananthapuram and Calicut. The proposal was titled as "Advanced



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Automated Traffic Enforcement System based on BOOT Model for 5 years and Facility Management Services for 5 Years under 'SAFE KERALA PROJECT'. The 6th Respondent projected a cash flow of ₹424 Crores as estimated revenue collection during five years. After deducting the amount to be paid to the 6th Respondent, which is fixed as ₹236 Crores, there will be a surplus of ₹188 Crores as per the projected cash flow.

11. The proposal was structured into two main categories. The first, costing ₹1,68,90,26,124 (including GST and CESS), covered the electronic equipment to be installed on roads and in the 14 control rooms (two of which already had civil infrastructure). This also included a five-year period for the 6th Respondent to manage the operation, repair, and maintenance of these systems. The second category, referred to as Facility Management Services (FMS), was priced at ₹66,92,02,688 (including GST and CESS) for five years. This cost encompassed outsourced human resources (146 people for five years), internet and electricity charges, stationery, printing, postage, and the dispatch of 2.5 million challans annually. The total estimated project cost by the 6th Respondent was ₹235.82 crores (including GST and CESS). Despite being presented as a Build, Own, Operate, Transfer (BOOT) project, the 6th Respondent's initial 2019 proposal stipulated that the full amount of ₹2,35,82,28,812 must be repaid in 20 equal quarterly installments, each amounting to ₹11,79,11,440.



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12. On 22 October 2019, a six-member Technical Committee from the M V Department evaluated the detailed project proposal submitted by the 6th Respondent. During this evaluation, the 6th Respondent presented two distinct models for the project's design, implementation, and five-year facility management services. The first was a CAPEX (Capital Expenditure) model, where the Government would be responsible for making all the upfront investments for the infrastructure and five years of support. The second was a BOOT (Build, Own, Operate, Transfer) model, which did not require any initial investment from the Government. Under the BOOT model, the system integrator would handle all initial investments and operate the system for five years. The Government's only commitment would be to make guaranteed quarterly payments to the vendor once the project was commissioned. After considering the financial implications of both options—specifically, the need for an upfront payment versus the lack thereof—the Technical Committee concluded that the BOOT model, which involved guaranteed quarterly payments to the vendor, was the more suitable option.

13. A Technical Committee, chaired by the Principal Secretary of the Transport Department, reviewed the project proposal from the 6th Respondent. The committee, which included the 5th Respondent, the Joint Transport Commissioner, a Senior Consultant from the Kerala State IT Mission, and the Director of the Safe Kerala Project Nodal Officer, approved the proposal with certain conditions.



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14. After completing the technical evaluation, the committee reviewed the financial bids from several Respondents. The 7th Respondent submitted the most competitive bid at ₹1,29,66,45,692 with an 8% tax rate. In contrast, the 13th Respondent's bid was ₹1,36,53,68,048 with an 18% tax rate, and the twelfth Respondent's bid was ₹1,47,16,93,141 with an 18% tax rate. Because the 7th Respondent had the lowest initial quote, the 6th Respondent initiated a negotiation process with them. During these discussions, the 7th Respondent agreed to lower their bid to a final price of ₹1,28,15,85,545, plus 18% tax. As a result of this successful negotiation, a letter of intent was issued to the 7th Respondent, officially awarding them the contract.

15. After reviewing the detailed proposal for the Advanced Automated Traffic Enforcement System and Facility Management Services submitted by the 6th Respondent, the Government has granted administrative sanction to implement the project. This decision is formalized in the Exhibit P3 Government Order.

16. Following the administrative sanction, the 5th Respondent issued a work order to the 6th Respondent to set up the entire infrastructure. This included civil work and a five-year warranty service under a BOOT model, at a cost of ₹1,68,90,26,124, and Facility Management Services (FMS) for five years at ₹66,92,02,688, for a total of ₹2,35,82,28,812. On 28 May 2020, the 6th Respondent signed a service level agreement stipulating a quarterly payment of ₹11,79,11,440 starting from the project's "GO



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LIVE" date. Subsequently, a tender was floated on 26 June 2020, inviting bidders, with four companies participating. After the technical evaluation, Respondent Nos.7, 12, and 13 were qualified. On 11 September 2020, the 6th Respondent issued a letter of intent to the 7th Respondent for the supply and installation of various components, including electronic modules, AIC modules, ANPR modules, vehicles for the mobile enforcement system, and CCR and DCRS systems. The agreement also covered field installation, street furniture software, and software licenses under a five-year BOOT model with a five-year warranty. A service level agreement was then executed between the Respondent Nos. 6 and 7 on 1 October 2020. The project was subsequently presented to the Cabinet, which approved it on 12 April 2023. This approval led to the issuance of Exhibit P27 Government Order, which sanctioned the implementation of the "Safe Kerala Project" as a fully automated traffic enforcement system. The total approved amount was ₹2,32,25,50,286, subject to the conditions listed in Exhibit P27. The project was implemented, and the technical installation was completed by June 2022.

17. This petition concerns a contract for the procurement and installation of artificial intelligence (AI) cameras, which are a key component of the state's 'Safe Kerala Project', a fully automated traffic enforcement system. The Petitioners are challenging the contract's legality and propriety. They allege that the contract is marred by corruption, features unconscionable terms that are detrimental to the public interest,



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and was awarded through a process that lacked transparency. As a result, the Petitioners are requesting a court-monitored inquiry into the matter.

18. Different counter-affidavits have been filed in this case. Respondent Nos.1 and 7 have submitted detailed affidavits supporting the project. The 10th Respondent, who is no longer involved with the project, filed a separate counter-affidavit. Respondent Nos.8 and 9 have also filed their own counter-affidavits. The Petitioners have since filed a reply addressing the points raised in these counter-affidavits.

19. Heard Shri.George Poonthottam, learned senior counsel for the Petitioners, assisted by Smt.Nisha George and Shri.A.L. Navaneeth Krishnan, Shri.K Gopalakrishna Kurup, learned Advocate General, assisted by Shri.V. Manu, Special Government Pleader – for Respondent Nos.1 to 5, Smt.M.A.Zohra, learned counsel for the 6th Respondent, Shri.P. Sreekumar for 10th Respondent and Shri.Shyam Padman, learned counsel for Respondent Nos.7 and 9.

20. The Senior Counsel for the Petitioners argues that the contract, involving significant public funds, is fundamentally flawed due to its procurement process. He alleges that the established procedures for public procurement were either bypassed or manipulated, leading to private enrichment and a substantial loss to the state. The entire contractual arrangement, he contends, was conducted secretly, ignoring objections from the Finance Department, which undermines accountability and



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public trust. The counsel highlighted that although the project was initially conceived as a BOOT model, a modified version was ultimately adopted. He pointed out the significant cost disparity: the CAPEX model would have cost only ₹79 crores, while the BOOT model escalated the price to ₹150 crores. Furthermore, the Finance Department had previously objected that the 6th Respondent was ineligible to act as a Project Management Consultant (PMC) based on a Government order from 4 July 2019, which accredited them as a non-PMC for specific IT and related services. The counsel also noted that only four companies participated in the tender process because the project was structured as a BOOT model with a mandatory five-year operational and five-year warranty period, which he claims was a deliberate attempt to restrict competition. Of these four, only Respondent Nos.7, 12, and 13 were technically qualified. The counsel specifically alleged that the 7th Respondent did not meet the second eligibility condition outlined in the tender documents. Furthermore, he raised concerns about the subcontracting process. While Clause 26 of the tender document requires bidders to list all subcontractors in their technical documents, the 7th Respondent only formed a consortium of companies after the bid was accepted on 12 September 2020. This consortium later changed, with one company withdrawing, which was subsequently reported to the Government. Crucially, Clause 26 also prohibits subcontracting core activities such as data security, data integrity, equipment configuration, and facility management. However, as per Exhibit P16, the 7th Respondent leased its role to consortium partners



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for a 6% commission, thereby violating this general condition. The counsel detailed the further evolution of the consortium, noting that after one party withdrew from the initial group, another joint project agreement was executed on 6 November 2020, with Respondent Nos. 9 and 10. Subsequently, the 10th Respondent also backed out, and the 11th Respondent joined the consortium led by the 9th Respondent.

21. The senior counsel for the Petitioners alleges that the entire Safe Kerala project is a "giant pyramid scheme" designed to defraud the public. The counsel argues that the project was devised and implemented in secret, despite objections from the Finance Department. The counsel claims that the cameras being used are outdated and priced at least four times their market value. The counsel points to Exhibits P3 and P27, asserting that the project is a BOOT model in name only, as it guarantees payment to the 6th Respondent through 20 quarterly installments. The figures presented by the 6th Respondent are allegedly inflated and lack supporting studies. The 10th Respondent's counter-affidavit, which states they backed out of the project because its terms and conditions were unfeasible, is presented as evidence of this. A major concern raised is the violation of the right to privacy, a fundamental right established by the Supreme Court in the *Puttaswamy's* case. The counsel claims that confidential personal data, such as driving licenses, is being left to the private parties involved. The counsel asserts that the project's real cost was only ₹75 crores, which was inflated to ₹236 crores. It was then tendered to the 7th Respondent for ₹112 crores and subsequently subleased to consortium partners, effectively benefiting



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two entities that entered the project through "back doors." The counsel alleges that these two entities are closely associated with the ruling political party and that "lifting the veil" would reveal their true involvement. The Finance Department had reportedly objected to the project being finalized as a BOOT model because the 6th Respondent violated PMC norms by signing separate agreements with bidders, even though it only had a service-level agreement with the MV Department. Finally, the counsel requested a court-monitored inquiry into the project by a state or central investigating agency to uncover the alleged corruption.

22. The Advocate General refuted the Petitioners' claims, defending the Safe Kerala Project as a crucial Government initiative designed to improve road safety and reduce accidents. He stated that the entire tender process and awarding of contract were conducted with meticulous care, adhering to all relevant laws and public procurement guidelines. The Advocate General maintained that fairness, competitiveness, and transparency were upheld throughout every stage. He argued that the Petitioners failed to provide specific evidence of corruption, unfair terms, or a lack of transparency, instead relied on general allegations and statements without tangible proof of favouritism. Furthermore, he pointed out that the Petitioners, as members of the Legislative Assembly, had ample opportunity to raise concerns about any alleged irregularities since the administrative sanction (Exhibit P3) was granted on 27 April 2020. They did not raise their objections until after the project was commissioned and went "live." The Advocate General highlighted the timeline of events: the



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work order was issued on 14 May 2020 (Exhibit P4), the service level agreement was signed on 28 May 2020 (Exhibit P5), and the tender document was released on 26 June 2020 (Exhibit P6). The technical installations were completed by June 2022, and the system went live on 5 June 2023. Given that the writ petition was not filed until 19 June 2023—three years after the initial administrative sanction—the Advocate General argued that the case is marked by significant delay and laches, calling it an abuse of legal process filed for political reasons.

23. The Advocate General referenced this court's judgment in *V.D. Satheesan M.L.A. v. The State of Kerala and others*¹. In that case, the Petitioner filed a Public Interest Litigation (PIL) challenging the contract awarded for the Kerala Fibre Optic Network (KFON) project. The contract, valued at ₹1,628.35 crores, was given to a consortium including Bharat Electronics Limited, RailTel Corporation of India Limited, Sobha Renaissance Information Technology Pvt. Ltd., and LS Cable India (Pvt) Ltd. The petition sought to quash the sanction and initiate a CBI inquiry into the project. A Division Bench of the court dismissed the petition, noting that while the Comptroller and Auditor General had made remarks questioning the contract's legality, the available evidence did not provide a *prima facie* finding of illegality or irregularity in the implementation of the KFON project. Drawing a parallel, the Advocate General argued that the current case is even weaker. Unlike the KFON case, there is no audit report

¹ [2024 (5) KLT 552]



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or any official query from a competent authority to warrant the requested scrutiny. He pointed out that the petition lacks specific allegations against any designated individuals or groups, instead relying on vague accusations. Therefore, he contended that a request for a court-monitored intervention at this advanced stage of the project is both highly belated and unwarranted, as the petition itself is devoid of specific, actionable claims.

24. He further supported his arguments by citing several Supreme Court judgments, including *Secretary, Minor Irrigation and Rural Engineering Services, U.P. v. Sahngoo Ram Arya*², *Kunga Nima Lepcha and others v. State of Sikkim and others*³, *Sakiri Vasu v. State of U.P. and others*⁴, *State of W.B. and others v. Committee for Protection of Democratic Rights West Bengal and others*⁵, and *All India Institute of Medical Sciences Employees' Union v. Union of India*⁶. He also referred to *Shanti Sports Club and another v. Union of India*⁷ and others to contend that a mere file noting is not a Government decision; it is simply an individual's opinion. He emphasized that even if a competent authority records their opinion on a matter, it does not become an official Government decision until a formal order is issued in compliance with Articles 77(1), 77(2), 166(1), and 166(2) of the Constitution of India. Based on these legal precedents, he requested that the petition be dismissed with costs.

² (2002 KHC 1280)

³ (2010 KHC 4202)

⁴ [2008 (2) KHC 13]

⁵ [2010 (1) KHC 841]

⁶ (1996 KHC 3671)

⁷ [(2009) 15 SCC 705]



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25. The Advocate General asserted that the Supreme Court has repeatedly warned against the misuse of Public Interest Litigations (PILs). He emphasized that Petitioners must act in good faith, presenting genuine public concerns backed by credible and verifiable evidence. He concluded that, given the lack of specific allegations and supporting documents, the current petition is fundamentally unsustainable.

26. In *Secretary, Minor Irrigation* (supra) the apex court had held in paragraph 5 and 6 as follows:

"5. While none can dispute the power of the High Court under Art.226 to direct an Inquiry by the CBI, the said power can be exercised only in cases where there is sufficient material to come to a prima facie conclusion that there is a need for such inquiry. It is not sufficient to have such material in the pleadings. On the contrary, there is a need for the High Court on consideration of such pleadings to come to the conclusion that the material before it is sufficient to direct such an inquiry by the CBI. This is a requirement which is clearly deducible from the judgment of this Court in the case of Common Cause (supra). This Court in the said judgment at Para. 174 of the report has held thus:

"174. The other direction, namely, the direction to CBI to investigate "any other offence" is wholly erroneous and cannot be sustained. Obviously, direction for investigation can be given only if an offence is, prima facie, found to have been committed or a person's involvement is prima facie



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established, but a direction to CBI to investigate whether any person has committed an offence or not cannot be legally given. Such a direction would be contrary to the concept and philosophy of "LIFE" and "LIBERTY" guaranteed to a person under Art.21 of the Constitution. This direction is in complete negation of various decisions of this Court in which the concept of "LIFE" has been explained in a manner which has infused "LIFE" into the letters of Art.21."

6.It is seen from the above decision of this Court that the right to life under Art.21 includes the right of a person to live without being hounded by the Police or the CBI to find out whether he has committed any offence or is living as a law-abiding citizen. Therefore, it is clear that a decision to direct an inquiry by the CBI against a person can only be done if the High Court after considering the material on record comes to a conclusion that such material does disclose a prima facie case calling for an investigation by the CBI or any other similar agency, and the same cannot be done as a matter of routine or merely because a party makes some such allegations. In the instant case, we see that the High Court without coming to a definite conclusion that there is a prima facie case established to direct an inquiry has proceeded on the basis of 'ifs' and 'buts' and thought it appropriate that the inquiry should be made by the CBI. With respect, we think that this is not what is required by the law as laid down by this Court in the case of Common Cause (supra).

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27. In *State of West Bengal and others* (supra), the constitutional bench of the apex court in paragraph Nos.46 and 47 held as follows:.

“46. Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Art.32 and Art.226 of the Constitution, while passing any order, the Courts must bear in mind certain self-imposed limitations on the exercise of these Constitutional powers. The very plenitude of the power under the said Articles requires great caution in its exercise. In so far as the question of issuing a direction to the CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise the CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations.

47. In Secretary, Minor Irrigation & Rural Engineering Services, U.P. and Others v. Sahngoo Ram Arya and Another, 2002 KHC 1280, this Court had said that an order directing an enquiry by the CBI should be passed only when the High Court, after considering the material on record, comes to a conclusion that



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such material does disclose a prima facie case calling for an investigation by the CBI or any other similar agency. We respectfully concur with these observations.

XXXXXX”

28. In *Ashok Kumar Pandey v. State of West Bengal*⁸, the apex court in paragraph Nos.4,5,6 and 12, it was held thus: -

“4. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, the said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. Public interest litigation which has now come to occupy an important field in the administration of law should not be "publicity interest litigation" or "private interest litigation" or "politics interest litigation" or the latest trend "paise income litigation". If not properly regulated and abuse averted it also becomes a tool in unscrupulous hands to release vendetta and wreak vengeance as well. There must be real and genuine public interest involved in the litigation and not merely an adventure of a knight errant or poke one's nose into for a probe. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. Courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. A person acting bona fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus standi and can approach the court to wipe out violation of fundamental rights and genuine infraction of statutory

⁸ [(2004) 3 SCC 349]



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provisions, but not for personal gain or private profit or political motive or any oblique consideration. These aspects were highlighted by this Court in *Janata Dal case and Kazi Lhendup Dorji v. Central Bureau of Investigation*. A writ petitioner who comes to the court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. See *Ramjas Foundation v. Union of India and K.R. Srinivas v. R.M. Premchand*.

5. It is necessary to take note of the meaning of the expression "public interest litigation". In *Stroud's Judicial Dictionary*, Vol. 4, 4th Edn., "public interest" is defined thus:

"Public interest. (1) A matter of public or general interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement; but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected."

6. In *Black's Law Dictionary*, 6th Edn., "public interest" is defined as follows:

"Public interest":-Something in which the public, the community at large, has some pecuniary interest, or some interest by which their legal rights or liabilities are affected. It does not mean anything so narrow as mere curiosity, or as the interests of the particular localities, which may be affected by the matters in question. Interest shared by citizens generally in affairs of local, State or national Government."



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XXXX XXXXX XXXXX

12. *Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, court must be careful to see that a body of persons or a member of the public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases, with exemplary costs.*

XXXXX”

In the light of the above settled proposition of law and the grounds raised in the above Writ Petition, the issue has to be addressed.



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29. The Petitioners have requested a court-monitored inquiry into the contract for the "Safe Kerala" project, which was awarded by the state to the 6th Respondent. While they allege mala fides, nepotism, and a lack of transparency, these claims are presented as bald statements rather than specific, substantiated allegations. For this court to exercise its jurisdiction under Article 226 of the Constitution of India in a contractual matter, it must be satisfied that the allegations are supported to a reasonable extent. It is a well-established principle that judicial review, especially under its extraordinary jurisdiction, does not act as an appellate authority over administrative or contractual decisions. The scope of judicial review in such matters is limited to ensuring that the decision-making process was not arbitrary, irrational, or in violation of statutory mandates. The court does not substitute its own commercial or technical judgment for that of the executive. In this case, the Petitioners' request for an inquiry is based on unsubstantiated claims without credible documentary evidence of collusion, pre-determination, or corruption. Therefore, initiating a broad judicial probe into a major public infrastructure project without a *prima facie* demonstration of wrongdoing, supported by concrete evidence, would constitute an unwarranted "fishing and roving inquiry." Such an exercise, based solely on suspicion and general allegations, is not the intended purpose of a public interest litigation.

30. Public Interest Litigation (PIL) is a legal tool intended to uphold the rule of law and protect the rights of vulnerable or voiceless citizens when there is clear evidence of a failure or violation of the law. It is not designed as



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a forum for settling political disputes, addressing personal grievances, or challenging every Government decision without a solid factual basis. It's significant to note that the Petitioners, who are members of the legislative assembly, did not approach the court until after the project was fully implemented and went live on 5 June 2023. This was well after the administrative sanction (Exhibit P3) was granted on 24 July 2020, and the project's final approval (Exhibit P27) was issued on 18 April 2023. This delay suggests that the Petitioners had no grievances until the first payment to the 6th Respondent was due, which is when they filed this petition alleging mala fides and corruption. The delay in approaching the court with this PIL is considered fatal to their case. Furthermore, while the petition seeks to quash Exhibits P3 and P27 and to declare the 7th Respondent as unqualified for lacking expertise in traffic signal monitoring, the Petitioners have inexplicably named private companies and their Managing Directors (Respondent Nos.8 to 13) as parties. These Respondents were either part of the 7th Respondent's consortium at one point or had left it. No specific prayers have been made against Respondent Nos.8 to 13, yet they were included, and some, like Respondent Nos.8 and 10, have filed counter-affidavits. The counter-affidavit of the 10th Respondent was filed before those of Respondent Nos.1 and 6 and, to some extent, supports the Petitioners' case despite the 10th Respondent having no role in the final project implementation. This raises suspicion in the court's mind.

31. One of the Petitioners' contentions is that the tender notification failed to specify that the project was a BOOT model, and that payment would be



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made in 20 equal quarterly installments starting from the first quarter after the project goes live. This, they argue, deliberately excluded many interested parties, making the details known only to the 7th Respondent and their associates. However, the tender notification, Exhibit P6, dated 26 June 2020, is titled "the supply of different electronic modules, AIC modules, ANPRC modules, vehicles for the mobile enforcement system, supply, installation and commissioning of CCR, DCRs, filed installation including street furniture, Software and Software Licenses on 5-year BOOT model with 5 year warranty." Furthermore, Clause 11 of the same notification explicitly states that payment would be in 20 quarterly installments. This clearly indicates that any potential bidder was made aware of the BOOT model and the payment structure. It is also noteworthy that no party who was allegedly excluded from the tender process has ever challenged the notification for illegality or mala fides. In this PIL, the Petitioners have not even sought to quash the tender notification itself, limiting their prayers to quashing the administrative sanction and requesting a court-monitored inquiry. The 90-page writ petition fails to pinpoint any specific instances of mala fides or corruption, instead relying on general allegations. The Petitioners allege that Respondent Nos.7, 12, and 13 formed a cartel at the behest of those in power, but they do not provide any evidence of a direct or indirect link between these companies and the Government. While Respondent Nos.8 to 13 are private companies represented by their Managing Directors, neither a single individual from these companies has been named as a Respondent, nor have specific allegations of nepotism or undue favouritism been made against the state. The Petitioners in paragraph No.3 of the Petition have stated that if 'the



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public revenue is eroded as a result of the transaction which culminated in Government Order dated 18.4.2023 enrooting or channelling the benefit primarily to two entities which have come out through backdoor. In reality, persons behind the two entities are persons closely associated with those in the corridors of power. Their real presence can be seen, only on lifting the veil". As the Supreme Court has held in numerous decisions, such a practice should not be entertained in a public interest litigation, as it is based on mere suspicion and general allegations.

32. The Petitioners' senior counsel argued that the 7th Respondent did not meet the minimum eligibility criteria for the contract. However, the tender scrutiny committee, which first evaluated the technical bids and then the financial ones, found that the 7th Respondent had satisfied all conditions. Although the Petitioners' counsel specifically alleged in paragraph 37 of the petition that condition number (2) was not met and that the 7th Respondent lacked experience in Automated Traffic Enforcement Systems, the minimum eligibility criteria only required the bidder or lead bidder to have been in continuous operation for at least 10 years by the bid publishing date. The document did not specify a requirement for prior experience with automated traffic enforcement systems. The committee, with its relevant expertise, meticulously reviewed all the submissions and concluded that the 7th Respondent was qualified. Therefore, the claim that the 7th Respondent did not meet the minimum eligibility criteria is considered a bald statement without strict proof.



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33. The senior counsel appearing for the Petitioners raised a contention regarding Clause 26 of Exhibit P6, which permits subcontracting except for core activities. The counsel alleged that the 7th Respondent violated this condition by essentially "leasing over its entire role" to its consortium partners for a commission, as per the agreement in Exhibit P16. However, the clause only stipulates that the bidder must provide a list of subcontracting companies to the 6th Respondent, who retains the right to approve or disapprove. The facts show that the 7th Respondent was awarded the work by the 6th Respondent and initially subcontracted to Respondent Nos.8 and 9 through a consortium agreement. A security deposit of ₹6 crores was remitted to the 6th Respondent, and the service level agreement (Exhibit P14) was executed. When the 8th Respondent later withdrew from the consortium, the 7th Respondent informed the 6th Respondent, refunded the security deposit with interest, and the initial letter of intent was invalidated. Subsequently, Respondent Nos.9 and 10 showed interest and executed a joint project agreement (Exhibit P17) with the 7th Respondent, which was also cancelled due to their failure to provide the mobility fund. Left with limited options, the 7th Respondent engaged with partners outside Kerala, leading to the 11th Respondent joining the project. The 11th Respondent then subcontracted to M/s. Trollys Infotech (P) Ltd and the 9th Respondent. The 7th Respondent fully accepted and successfully completed the project, and all verification reports were obtained. This sequence of events demonstrates that the 7th Respondent consistently kept the 6th Respondent informed about each stage of subcontracting, contradicting the Petitioners' claims of a violation of the tender conditions.



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34. The Petitioners' claim regarding data privacy and the security of collected information is a significant point of contention. It is argued that the personal data of alleged violators is vulnerable in the hands of private contractors. However, this is countered by the fact that the 7th Respondent and other private agencies have no access to the citizens' data. All information is securely stored on a server located in the State control room, which is under the exclusive control of the MV Department. When a violation is detected, the camera automatically captures an image, and only the images of actual violations are transmitted to the central control room as encrypted data. These encrypted images are then sent to the IT Mission application, which is owned by the Ministry of Road Traffic and maintained by the National Informatics Centres. Designated officers in each district use this application to verify the violations. Once approved, the details of the vehicle owner are retrieved from the Vahan database, and e-challans are generated. The 6th Respondent then downloads these e-challans in their respective districts and submits them to the MV Department for regulatory control. After final approval, the challans are sent to the violators via ordinary post. Since all violated images are recorded on the State Control Room's server under the MV Department and are stored on the NIC server, which is under the control of the Central Government, there is no possibility of data being transferred to private servers. It is also important to note that the private Respondent's work was limited to the installation and operation of the project up until its



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"GO LIVE" date. Based on this process, it can be safely concluded that there is no breach of data privacy as contended by the Petitioners.

35. The senior counsel appearing for the Petitioners advanced another contention that all the allegations levelled against the Respondents were not answered by them which amounts to admission. In order to invoke the principle of admission by non – traverse; first there should be pleadings with credible assertions and then only the burden will shift upon the Respondents to file a reply. Though, in the present case, the entire allegation of malafides or nepotism has not been denied or answered point-by-point, since the entire accusations were not substantiated by specific particulars extending to any designated individuals, the principle of admission by non-traverse is inapplicable in this context.

36. The apex court in *Ratnagiri Gas & Power (P) Ltd. v. R.D.S. Projects Ltd.*⁹, held in paragraph Nos.25 and 26 held thus:

“25. Even otherwise the findings recorded by the High Court on the question of mala fides do not appear to us to be factually or legally sustainable. While we do not consider it necessary to delve deep into this aspect of the controversy, we may point out that allegations of mala fides are more easily made than proved. The law casts a heavy burden on the person alleging mala fides to prove the same on the basis of facts that are either admitted or satisfactorily established and/or logical inferences deducible

⁹ [(2013) 1 SCC 524]



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from the same. This is particularly so when the petitioner alleges malice in fact in which event it is obligatory for the person making any such allegation to furnish particulars that would prove mala fides on the part of the decision-maker. Vague and general allegations unsupported by the requisite particulars do not provide a sound basis for the court to conduct an inquiry into their veracity.

26. The legal position in this regard is fairly well settled by a long line of decisions of this Court. We may briefly refer to only some of them:

26.1. In State of Bihar v. P.P. Sharma ¹⁰this Court summed up the law on the subject in the following words: (SCC p. 260, paras 50-51)

"50. 'Mala fides' means want of good faith, personal bias, grudge, oblique or improper motive or ulterior purpose. The administrative action must be said to be done in good faith, if it is in fact done honestly, whether it is done negligently or not. An act done honestly is deemed to have been done in good faith. An administrative authority must, therefore, act in a bona fide manner and should never act for an improper motive or ulterior purposes or contrary to the requirements of the statute, or the basis of the circumstances contemplated by law, or improperly exercised discretion to achieve some ulterior purpose. The determination of a plea of mala fide involves two questions, namely, (i) whether there is a personal bias or an oblique motive, and (ii) whether the administrative action

¹⁰ 1992 Supp.(1) SCC 222



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is contrary to the objects, requirements and conditions of a valid exercise of administrative power.

51. The action taken must, therefore, be proved to have been made mala fide for such considerations. Mere assertion or a vague or bald statement is not sufficient. It must be demonstrated either by admitted or proved facts and circumstances obtainable in a given case. If it is established that the action has been taken mala fide for any such considerations or by fraud on power or colourable exercise of power, it cannot be allowed to stand.

26.2. We may also refer to the decision of this Court in Ajit Kumar Nag V. Indian Oil Corpn. Ltd.¹¹ where the Court declared that allegations of mala fides need proof of high degree and that an administrative action is presumed to be bona fide unless the contrary is satisfactorily established. The Court observed: (SCC p. 790, para 56).

"56.... It is well settled that the burden of proving mala fide is on the person making the allegations and the burden is 'very heavy'. (Vide E.P. Royappa v. State of T.N.¹²) There is every presumption in favour of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of mala fide are often more easily made than made out and

¹¹ 2005 (7) SCC 764

¹² 1974 (4) SCC 3



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the very seriousness of such allegations demands proof of a high degree of credibility. As Krishna Iyer, J. stated in Gulam Mustafa v. State of Maharashtra¹³ (SCC p. 802. para 2): "It (mala fide) is the last refuge of a losing litigant.

XXXXX”

37. To invoke the court's jurisdiction under Article 226 of the Constitution in a Public Interest Litigation, Petitioners must present *prima facie* evidence of arbitrariness, nepotism, or corruption. The allegations must be significant enough to "prick the conscience of the court" and warrant the issuance of a writ. A thorough examination of the averments in this particular writ petition, however, reveals no such compelling situation.

38. Having thoroughly reviewed the claims in the petition, the counter-affidavits, and the detailed arguments from both counsels, we are compelled to conclude that the Petitioners have failed to provide any evidence from which this court could reasonably infer the existence of mala fides, illegality, corruption, or procedural impropriety in the contract for the AI camera installation under the Safe Kerala Project. The allegations, despite their serious nature, remain unsubstantiated by factual pleadings that would justify invoking the extraordinary

jurisdiction of this Court under Article 226 of the Constitution of India for

¹³ 1976 (1) SCC 800



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a court-monitored inquiry. Based on the discussions above, it is our considered view that this Public Interest Litigation Petition lacks substantive merit and does not meet the established legal threshold for judicial intervention in the State's contractual matters. As such, we are not inclined to order a court-monitored enquiry into the allegations that the Petitioners have raised.

Accordingly, this Writ Petition is dismissed.

Sd/-
NITIN JAMDAR
CHIEF JUSTICE

Sd/-
BASANT BALAJI
JUDGE

dl/



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APPENDIX OF WP(C) 19992/2023

PETITIONER EXHIBITS

Exhibit-P1	A TRUE COPY OF NOTE#116 DATED 29.02.2020 FROM THE NOTE FILE REGARDING SAFE KERALA PROJECT
Exhibit-P2	A TRUE COPY OF NOTE#122 DATED 06.03.2020 FROM THE NOTE FILE REGARDING SAFE KERALA PROJECT
Exhibit-P2 (a)	A TRUE COPY OF THE GOVERNMENT ORDER BEARING G.O.(P). NO. 77/2019/FIN. DATED 04.07.2019
Exhibit-P3	. TRUE COPY OF THE GOVERNMENT ORDER BEARING G.O.(RT)NO.134/ 2020/TRANS DATED 27.04.2020 GIVING ADMINISTRATIVE SANCTION FOR IMPLEMENTING FULLY AUTOMATED TRAFFIC ENFORCEMENT SYSTEM AND FMS
Exhibit-P3(a)	A TRUE COPY OF THE GOVERNMENT ORDER BEARING G.O(MS)NO.18/2017/ITD DATED 23.07.2017
Exhibit-P4	A TRUE COPY OF ORDER NO.E1/37/2019/TC DATED 14.05.2020, WHEREBY WORK ORDER WAS ISSUED TO KELTRON BY THE TRANSPORT COMMISSIONER.
Exhibit-P5	A TRUE COPY OF THE SERVICE LEVEL AGREEMENT EXECUTED BETWEEN KELTRON AND MOTOR VEHICLES DEPARTMENT DATED 28.05.2020
Exhibit-P6	A TRUE COPY OF THE TENDER DOCUMENT OF KELTRON WITH TENDER NO.KSEDC/KCC/CPG/ ENQ/0041/20-21 DATED 26.06.2020
Exhibit-P7	TRUE COPY OF THE RELEVANT PAGE OF ONE SUCH DOCUMENT PROVIDED BY SRIT ALONG WITH A TENDER DATED NIL .
Exhibit-P8	COPY OF THE DETAILS OF AKSHARA ENTERPRISES INDIA PVT. LTD. THAT ARE AVAILABLE FROM THE OFFICIAL WEBSITE OF THE REGISTRAR OF COMPANIES
Exhibit-P9	A TRUE COPY OF THE TECHNICAL EVALUATION SUMMARY REPORT DATED 07.08.2020
Exhibit-P10	A TRUE COPY OF THE FINANCIAL EVALUATION SUMMARY REPORT DATED 14.01.2021
Exhibit-P11	A TRUE COPY OF THE SCORE SHEET IN THE TENDER EVALUATION PROCESS DATED 07.08.2020
Exhibit-P12	A TRUE COPY OF THE LETTER OF INTENT NO.KCM/ PUR/LOI/001/20-21 DATED 11.09.2020 ISSUED BY KELTRON TO SRIT
Exhibit-P13	A TRUE COPY OF THE CONSORTIUM AGREEMENT ENTERED INTO BETWEEN SRIT INDIA PRIVATE LIMITED, PRESADIO TECHNOLOGIES PVT. LTD. AND AL HIND TOURS AND TRAVELS PVT. LTD DATED 12.09.2020
Exhibit-P14	A TRUE COPY OF THE SERVICE LEVEL AGREEMENT SIGNED BETWEEN KELTRON AND SRIT INDIA PRIVATE LIMITED DATED 01.10.2020
Exhibit-P15	TRUE COPY OF THE COMMUNICATION BEARING NO. REF.



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MD/SRIT/2472/2021-22 DATED 13.03.2021 ISSUED BY THE SRIT INDIA PRIVATE LIMITED.

Exhibit-P16 A TRUE COPY OF THE JOINT PROJECT EXECUTION AGREEMENT BETWEEN SRIT INDIA PRIVATE LIMITED, LYTE MASTER LIGHTING INDIA PVT LTD. AND PRESADIO TECHNOLOGIES, DATED 16.11.2020

Exhibit-P17 A TRUE COPY OF THE LETTER OF INTENT ISSUED BY SRIT INDIA PRIVATE LIMITED TO ITS CONSORTIUM PARTNERS LYTE MASTER AND PRESADIO, DATED 16.11.2020.

Exhibit-P18 A TRUE COPY OF PURCHASE ORDER BEARING NO. PO: MD/SRIT/2448/2020-21 ISSUED BY SRIT INDIA PRIVATE LIMITED TO LYTE MASTER LIGHTING INDIA PVT LTD. DATED 16.11.2020

Exhibit-P19 A TRUE COPY OF THE COMMERCIAL PROPOSAL BEARING NO. TROIS/PROPOSAL/SK/2020-21/01 DATED 18.11.2020 SUBMITTED BY TROIS INFOTECH PVT. LTD. BEFORE LYTE MASTER LIGHTING INDIA PVT LTD.,

Exhibit-P20 A TRUE COPY OF THE PROJECT PARTNERING AND EXECUTION AGREEMENT SIGNED BETWEEN PRESADIO TECHNOLOGIES PRIVATE LIMITED AND LYTE MASTER LIGHTING INDIA (P) LTD. DATED 20.11.2020

Exhibit-P21 A TRUE COPY OF NOTE#166 FROM THE NOTE FILE REGARDING SAFE KERALA PROJECT,

Exhibit-P22 A TRUE COPY OF THE GOVERNMENT ORDER BEARING GO(P)NO.118/2018/FIN DATED 03.08.2018.

Exhibit-P23 A TRUE COPY OF NOTE#187 DATED 22.10.2022 FROM THE NOTE FILE REGARDING SAFE KERALA PROJECT

Exhibit-P24 A TRUE COPY OF NOTE#192 DATED 27.10.2022 FROM THE NOTE FILE REGARDING SAFE KERALA PROJECT

Exhibit-P25 A TRUE COPY OF THE NOTE FOR CABINET MEETING WITH FILE NO.285/D3/2022/TRANS WITH ITS ENGLISH TRANSLATION

Exhibit-P26 A TRUE COPY OF THE PROCEEDINGS OF CABINET MEETING DATED 12.04.2023 BEARING FILE NO.285/D3/2022/TRANS WITH ITS ENGLISH TRANSLATION

Exhibit-P27 A TRUE COPY OF THE GOVERNMENT ORDER BEARING G.O. (MS)NO.26/2023/TRANS DATED 18.04.2023, GIVING COMPREHENSIVE ADMINISTRATIVE APPROVAL TO SAFE KERALA PROJECT, WITH ITS ENGLISH TRANSLATION

Exhibit-P28 A TRUE COPY OF THE LETTER ISSUED BY AL HIND TOURS AND TRAVELS PVT. LTD TO THE PRINCIPAL SECRETARY, DEPARTMENT OF INDUSTRIES AND COMMERCE, DATED 23.10.2021.

Exhibit-P29 A TRUE COPY OF THE LETTER NO.D3/217/2021/ID DATED 02.12.2021, ISSUED BY THE PRINCIPAL SECRETARY, DEPARTMENT OF INDUSTRIES TO AL HIND TOURS AND TRAVELS PVT. LTD,

Exhibit-P30 A TRUE COPY OF THE RTI APPLICATION SUBMITTED BY



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ADV. VIVEK VIJAYAKUMAR BEFORE THE STATE PUBLIC INFORMATION OFFICER, KELTRON, DATED 04.06.2022

Exhibit-P31 A TRUE COPY OF THE REPLY BEARING NO. KCC/POI/2022-23/004 DATED 25.06.2022 ISSUED BY KELTRON TO THE RTI APPLICATION SUBMITTED BY ADV VIVEK VIJAYAKUMAR

Exhibit-P32 A TRUE COPY OF THE APPEAL SUBMITTED BY ADV. VIVEK VIJAYAKUMAR BEFORE THE MANAGING DIRECTOR, KELTRON, DATED 21.07.2022

Exhibit-P33 A TRUE COPY OF THE REPLY BEARING NO.KSEDC/RTI/2022/94 DATED 20.08.2022 ISSUED BY THE KELTRON IN REPLY TO THE RTI APPEAL SUBMITTED BY ADV VIVEK VIJAYAKUMAR

RESPONDENT EXHIBITS

Exhibit R10 A A true copy of the invoice showing the purchase of the AI Camera for presentation

Exhibit R10 B A true copy of the calculation provided to 10th respondent

EXHIBIT R6(a) A true copy of the project proposal for Advanced Automated Traffic Enforcement System based on boot model for 5 years and facility management services for 5 years under the Safe Kerala Project dated 22.08.2019 submitted by KELTRON to the Motor Vehicles Department

EXHIBIT R6(b) A true copy of the Government Order constituting the High Level Committee dated 17.12.2019

EXHIBIT R6(d) A true copy of Government Order GO RT No: 134/2020/TRANS granting administrative sanction for the project on 27.04.2020

EXHIBIT R6(c) A true copy of the minutes of the meeting of the High Level Committee dated 28.12.2019

EXHIBIT R6(e) A true copy of the Work Order issued to KELTRON by the Transport Commissioner dated 14.05.2020

EXHIBIT R6(f) A true copy of the service level agreement executed between Respondents 5 and 6 dated 28.05.2020

EXHIBIT R6(g) A true copy of the purchase order details of the Safe Kerala Project

EXHIBIT R6(h) A true copy of e-Tender KSEDC/KCC/CPG/ENQ/0041/20-21 dated 26.06.2020

EXHIBIT R6(i) A true copy of the Letter of Intent dated 11.09.2020 issued by KELTRON to M/s SRIT India Private Limited

EXHIBIT R6(j) A true copy of letter KCC/CPG/G36/2022-23/687 dated 30.06.2022 sent by KELTRON to the Motor Vehicles Department, Government of Kerala

EXHIBIT R6(k) A true copy of the detailed worksheet on 5 year BOOT model (5 years + 11/2 years)

Exhibit R7(a) True copy of the profile and project details of 7



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	th respondent
Exhibit R7(b)	True copy of the quality certification dated 29.07.2022 issued by CMMI Institute Partner
Exhibit R7(c)	True copy of the Certification for Quality Management System dated 16.09.2022 issued by Syproatek
Exhibit R7(d)	True copy of the Certification for Information Technology Service Management System dated 15.11.2022 issued by Syproatek
Exhibit R7(e)	True copy of the Certification for Environmental Management System dated 29.09.2022 issued by Syproatek
Exhibit R7(f)	True copy of the Certification for Quality Management System dated 08.07.2023 issued by Syproatek
Exhibit R7(g)	True copy of the TUV Rheinland Star certification dated 20.05.2008
Exhibit R7(h)	True copy of the Manufacturers Authorization Form dated 24.07.2020 issued by Hewlett Packard Enterprise
Exhibit R7(i)	True copy of the Manufacturers Authorization Form dated 14.07.2020 issued by HP
Exhibit R7(j)	True copy of the Manufacturers Authorization Form dated 17.07.2020 issued by Keltron
Exhibit R7(l)	True copy of the Manufacturers Authorization Form dated 22.07.2020 issued by Check Point
Exhibit R7(m)	True copy of the Manufacturers Authorization Form dated 20.07.2020 issued by Mediatronix Private Limited
Exhibit R7(n)	True copy of the Manufacturers Authorization Form dated 20.07.2020 issued by Trois Infotech
Exhibit R7(o)	True copy of the Manufacturers Authorization Form dated 24.07.2020 issued by Genlite Engineering Pvt. Ltd.
Exhibit R7(p)	True copy of the Manufacturers Authorization Form dated 17.07.2020 issued by Hykon
Exhibit R7(q)	True copy of the Letter of Intent dated 23.10.2020 issued to the 8 th respondent by the 7 th respondent
Exhibit R7(r)	True copy of the letter dated 04.11.2020 issued by the 8 th respondent intimating withdrawal from consortium
Exhibit R7(s)	True copy of the letter dated 23.05.2023 issued by the 8 th respondent to KELTRON
Exhibit R7(t)	True copy of the letter dated 16.11.2020 issued by the 7 th respondent to the 6 th respondent
Exhibit R7(u)	True copy of the Strategic Services Framework Agreement ('Services Agreement') dated 03.03.2021



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	between 7 th and 11 th respondent
Exhibit R7(v)	True copy of the letter of intimation dated 13.03.2021 issued by the 7th respondent to the 6th respondent
Exhibit R7(w)	True copy of the internal teaming agreement dated 13.03.2021 entered between 11th respondent and M/s Trois Infotech Private Limited
Exhibit R7(x)	True copy of the internal teaming agreement dated 17.03.2021 entered between 11th and 9th respondents
Exhibit R7(y)	True copy of the verification report of IT hardware, software and interior work of Central Control Room dated 26.05.2021 issued by the 6th respondent
Exhibit R7(z)	True copy of the verification report of 6 nos of District Control Rooms dated 09.08.2021 issued by the 6th respondent
Exhibit R7(aa)	True copy of the verification report of 6 nos of District Control Rooms dated 02.08.2021 issued by the 6th respondent
Exhibit R7(ab)	True copy of the AI Camera Pole Installation Report dated 24.12.2021 issued by the 6th respondent
Exhibit R7(ac)	True copy of the AI Camera Installation Report dated 29.12.2021 issued by the 6th respondent
Exhibit R7(ad)	True copy of the AI Camera Installation Report dated 16.03.2022 issued by the 6th respondent
Exhibit R7(ae)	True copy of the SVDS Camera System Installation Report dated 30.03.2022 issued by the 6th respondent
Exhibit R7(af)	True copy of the AI Camera Installation Report dated 30.03.2022 issued by the 6th respondent
Exhibit R7(ag)	True copy of the AI Camera Installation Report dated 31.03.2022 issued by the 6th respondent
Exhibit R7(aj)	True copy of the letter dated 10.07.2023 issued by the Vice-Chairman of Lyte Master
Exhibit R7(ai)	True copy of the relevant extract of Prequalification cum Technical Proposal submitted by the 7th respondent, dated 27.07.2020
Exhibit R7(k)	True copy of the Manufacturers Authorization Form dated 11.07.2019 issued by Acer
Exhibit R7(ah)	True copy of the list of SRIT Service and Support Centres in 14 Districts dated 02.06.2023
Exhibit R1(a)	True copy of G.O. (MS) No.76/2015/ TRANS dated 21.11.2015 with English translation.
Exhibit R1(e)	True copy of the Minutes of the meeting held on 07.08.2019 at the South Conference Hall, Secretariat, Thiruvananthapuram and chaired by the Honourable Minister for Transport, Kerala



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- Exhibit R1(c) True copy of the Letter No. E1/ 12861/2013-TC dated 20.01.2018 of the Transport Commissioner
- Exhibit R1(b) True copy of the detailed project report dated 30.06.2017 on road safety to reduce the road accidents in the State of Kerala, submitted by Sri PD Sunil Babu, Traffic Safety Expert, Kerala Road Safety Authority
- Exhibit R1(d) True copy of the ‘Safe Kerala - proposal for separate enforcement wing of Motor Vehicle Department to the Government of the Transport Commissioner
- Exhibit R1(f) True copy of the detailed Project Proposal for Advanced Automated Traffic Enforcement System and Facility Management Services under the Safe Kerala Project submitted by KELTRON to the Motor Vehicles Department, Government of Kerala
- Exhibit R1(g) True copy of the Evaluation Report dated 22.10.2019 of the Technical Committee of the Safe Kerala Project
- Exhibit R1(h) True copy of G.O. (Rt) No. 559/2019 Transport dated 17.12.2019
- Exhibit R1(i) True copy of the Minutes of Technical Committee meeting held on 28.12.2019
- Exhibit-R8(a) True copy of the letter dated 23.10.2020 issued by Mr.Hareesh Kumar.M for M/s SRIT India Pvt Ltd
- Exhibit-R8(b) true copy of the letter dated 04.11.2020 issued by this respondent to Mr.Hareesh Kumar.M Head of Corporate Affairs, of M/s SRIT India Pvt Ltd
- Exhibit-R8(c) True copy of the letter dated 23.10.2021 issued by this respondent to Sri. APM Mohammed Hanish IAS, the Principal Secretary, Department of Industries and Commerce
- Exhibit-R8(d) True copy of the letter dated 02- 12-2021 issued by the Under Secretary, for Principal Secretary of the Government

PETITIONER EXHIBITS

- Exhibit-P34 true copy of the notes as contained in the file bearing File No. D3/325/2017-Trans regarding Safe Kerala Project - Proposal for post creation by the Finance Department.
- Exhibit-P35 Copy of the tender notice published in Mathrubhumi daily on 26.06.2020 along with its typed copy
- Exhibit-P36 Copy of the answer given by the Minister of Transport in the Legislative Assembly to the question No. 1995 on 12.09.2023.
- Exhibit-P37 Copy of the answer given by the Minister for Transport in the Legislative Assembly to the



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- question No.1991 on 12.09.2023, with its English translation
- Exhibit-P38 Copy of the answer given by the Minister for Transport in the Legislative Assembly to the question No. 136 on 12.09.2023, with its English translation.
- Exhibit-P39 Copy of the answer given by the Minister for Transport in the Legislative Assembly to the question No. 607 on 09.08.2023, with its English translation.
- Exhibit-P40 Copy of the answer given by the Minister for Transport in the Legislative Assembly to the question No. 608 on 09.08.2023, with its English translation
- Exhibit-P41 Copy of the answer given by the Minister for Transport in the Legislative Assembly to the question No. 609 on 09.08.2023, with its English translation
- Exhibit-P42 Copy of the answer given by the Minister for Transport in the Legislative Assembly to the question No. 610 on 09.08.2023, with its English translation
- Exhibit-P43 A true copy of the news report published on 04.05.2023 in the Malayala Manorama news group through their online website
- Exhibit-P44 A screenshot of the description and price of a similar AI enhanced camera made by Intozi Tech private ltd, on Indiamart website dated nil,
- Exhibit-P45 A screenshot of the description and price of a similar AI enhanced camera made by Intozi Tech private ltd, on Indiamart website, as in September, 2023,