

No.DWCD/6724/2024-ICDSA1

വനിത ശിശുവികസന ഡയറക്ടറുടെ കാര്യാലയം,

പൂജപ്പുര,തിരുവനന്തപുരം

തീയതി : 06-01-2025

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Phone No.0471-2346534

വനിത ശിശു വികസന ഡയറക്ടർ

തിരുവനന്തപുരം

എല്ലാ പ്രോഗ്രാം ഓഫീസർമാർക്കും

സർ,

വിഷയം:- വനിത ശിശുവികസന വകുപ്പ് - സംയോജിത ശിശുവികസന സേവന പദ്ധതി -
ഐ.സി.ഡി.എസ് പ്രോജക്ടുകളിലെ ടെണ്ടർ നടപടികൾ - ടെണ്ടർ ഫീ, ഇ.എം.ഡി
എന്നിവ സംബന്ധിച്ച്-

സൂചന:- 1.പടവത്തിൽ ഡിസ്ട്രിബ്യൂഷൻസ്, ഒളസ്സ പി.ഒ, കോട്ടയം എന്ന സ്ഥാപനത്തിന്റെ
09.11.2024 തീയതിയിലെ അപേക്ഷ.
2.G.O (P) No.2/2019/SPD Dt. 24.01.2019

വകുപ്പിന് കീഴിലുള്ള ഐ.സി.ഡി.എസ് പ്രോജക്ടുകളിൽ ടെണ്ടർ സമർപ്പിക്കുമ്പോൾ
Udyam registration ഉള്ള സ്ഥാപനങ്ങൾക്ക് ടെണ്ടർ ഫീ, EMD exemption എന്നിവ നൽകുന്നതിൽ
ശിശുവികസന പദ്ധതി ഓഫീസർമാർ വിമുഖത കാണിക്കുന്നതിനാൽ സ്ഥാപനങ്ങൾക്ക്
കഷ്ടനഷ്ടങ്ങൾ ഉണ്ടാകുന്നതായും, retirement അടുത്തുവരുന്നതു കാരണം ശിശുവികസന പദ്ധതി
ഓഫീസർമാർ ടെണ്ടർ ഫീ , EMD exemption എന്നിവ നൽകുന്നില്ലയെന്നും , കേവലം ആഡിറ്റിനെ
ഭയന്ന് ടെണ്ടർ വിളിക്കാതെ തന്നെ സർക്കാർ, അർദ്ധസർക്കാർ സ്ഥാപനങ്ങളിൽ നിന്നും കൂടിയ
വിലയ്ക്ക് സാധനങ്ങൾ വാങ്ങുന്ന പ്രവണത കാണുന്നതായും, ആയതിനാൽ ശിശുവികസന പദ്ധതി
ഓഫീസർമാർക്ക് ടെണ്ടർ ഫീ, EMD exemption എന്നിവ സംബന്ധിച്ച് വ്യക്തത നൽകണമെന്ന്
അഭ്യർത്ഥിച്ചു കൊണ്ടുള്ള Padavathil Distributions, Olassa P O, Kottayam എന്ന
സ്ഥാപനത്തിന്റെ സൂചന 1 പ്രകാരമുള്ള അപേക്ഷ ഈ കാര്യാലയത്തിൽ ലഭ്യമായിട്ടുണ്ട്.

അങ്കണവാടികൾക്കുള്ള പ്രീസ്കൂൾ എഡ്യൂക്കേഷൻ കിറ്റുകൾ, അങ്കണവാടി കണ്ടിജൻസി എന്നിവ
വാങ്ങുന്നതിന് വ്യക്തമായ മാർഗ്ഗനിർദ്ദേശം നിലവിലുള്ളതും, Udyog Aadhaar Registration
എടുത്തിട്ടുള്ള സ്ഥാപനങ്ങൾക്ക് ടെണ്ടർ ഫീ, EMD എന്നിവയിൽ ഇളവ് ഉള്ളതായി സൂചന (2)
പ്രകാരം സംസ്ഥാന സർക്കാർ ഉത്തരവ് പുറപ്പെടുവിച്ചിട്ടുള്ളതുമാണ്. അത്തരത്തിലുള്ള

സ്ഥാപനങ്ങൾക്ക് ഇളവ് നൽകുന്നതിന് WP (C) No.19110 of 2023 പെറ്റീഷനിന്മേലുള്ള വിധിന്യായത്തിൽ ബഹു.ഹൈക്കോടതി നിർദ്ദേശിച്ചിട്ടുണ്ട്. ആകയാൽ ഉചിതമായ നടപടികൾ സ്വീകരിക്കുന്നതിലേയ്ക്കായി പകർപ്പുകൾ ഉള്ളടക്കം ചെയ്യുന്നു.

വിശ്വസ്തയോടെ,



For വനിത ശിശുവികസന ഡയറക്ടർ

പകർപ്പ്:-

എല്ലാ ശിശുവികസന പദ്ധതി ഓഫീസർമാർക്കും



2023:KER:32081

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 13TH DAY OF JUNE 2023 / 23RD JYAISHTA, 1945

WP(C) NO. 19110 OF 2023

PETITIONER:

M.A. SAINULLABDIN

AGED 58 YEARS,

S/O. M C ABDHUL RAHMAN , PROPRIETOR, MC PRINTERS, DOING
BUSINESS AT MC BUILDING, THANCHANADI, PUTHUKODE (P.O) ,
ALATHUR, PALAKKAD DISTRICT, PIN - 678687

BY ADVS.

R.O.MUHAMED SHEMEEM

NASEEHA BEEGUM P.S.

RESPONDENTS:

- 1 THE DIRECTOR,
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT, POOJAPPURA,
THIRUVANATHAPURAM, PIN - 695012
- 2 THE PRINCIPAL SECRETARY
FINANCE AND STORE PURCHASE DEPARTMENT, ROOM NO:389 1ST
FLOOR MAIN BLOCK, GOVT: SECRETARIAT THIRUVANANTHAPURAM,
PIN - 695001
- 3 THE DISTRICT CHILD DEVELOPMENT OFFICER,
DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, 8- BLOCK,
2ND FLOOR, CIVIL STATION, KOZHIKODE, PIN - 673620
- 4 THE DISTRICT CHILD DEVELOPMENT OFFICER
DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, CIVIL
STATION, MALAPPURAM, PIN - 676505
- 5 THE DISTRICT CHILD DEVELOPMENT OFFICER
DISTRICT WOMEN AND CHILD DEVELOPMENT
OFFICE, COLLECTORATE, 1ST FLOR, CIVIL STATION,
PALAKKAD, PIN - 678001
- 6 THE DISTRICT CHILD DEVELOPMENT OFFICER
DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, 2ND FLOOR,
CIVIL STATION, AYYANTHOLE, THRISSUR, PIN - 680003
- 7 STATE OF KERALA



2023:KER:32081

WP(C) NO. 19110 OF 2023

2

REPRESENTED BY PRINCIPLE SECRETARY, WOMEN AND
CHILDREN DEPARTMENT, GOVT. SECRETARIAT,
MAHATMA GANDHI ROAD, NEAR CENTRAL STADIUM
JUNCTION, STATUE, PALAYAM,
THIRUVANANTHAPURAM, KERALA, PIN - 695001

SRI.B.S.SYAMANTAK, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 13.06.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



P.V.KUNHIKRISHNAN, J.

W.P.(C)No. 19110 of 2023

Dated this the 13th day of June, 2023

JUDGMENT

The above writ petition is filed with the following prayers:

"(i) To Issue a Writ in the nature of Mandamus or any other appropriate writ, order or direction commanding the 1st respondents to direct the District Child Development Officers of all Districts to properly and strictly implement Ext-P3 while considering and take further course of tender proceeding as per Ext -P2.

(ii) To Issue a Writ in the nature of Mandamus or any other appropriate writ, order or direction commanding the 1st respondents to direct the District Child Development Officers of all Districts including respondents no's 3 to 6 to accept, consider and take further course of tender proceeding in strict compliance with Ext-P3 without demanding the Tender Fee, Earnest Money, Deposit, and performance Security from the petitioner in view of Udyog Aadhar Registration as per Ext-P1.



(iii) To pass such other orders or directions that are deemed just and proper by this Hon'ble Court.

(iv) To dispense with the filing of translation of vernacular documents."[SIC]

2. Petitioner is the proprietor of M C printers, which according to the petitioner is a micro enterprise registered under MSMED Act, 2006 having Udyog Aadhar registration as evident by Ext-P1. As per Exts.P3 to P5, it is submitted that, all MSME's having Udyog Aadhar registration are exempted from payment of Tender Fee, Earnest Money Deposit and Performance Security during the tender process. The 1st respondent invited public tender to distribute Pre-Education School kits for the Anganavady kids. Ext.P2 is the order passed by the 1st respondent. Ext.P8 is the tender notice. The petitioner wants to submit his tender based on Ext.P2 order. The apprehension of the petitioner is that, even though Exts.P3 to P5 are there,



the respondents may insist for payment of Tender fee, Earnest Money Deposit and Performance Security. Hence this writ petition is filed.

3. Heard the learned counsel appearing for the petitioner and the learned Government Pleader.

4. In the light of Exts.P3 to P5, if the petitioner comply with the formalities of MSMED Act, 2006, the respondents are bound by the same. While accepting the tender, the respondents will strictly follow Exts.P3 to P5. If the petitioner is eligible for exemption as per Exts.P3 to P5, respondents will give exemption to the petitioner.

With the above observation, this writ petition is closed.

DM

Sd/-
P.V.KUNHIKRISHNAN
JUDGE



APPENDIX OF WP(C) 19110/2023

PETITIONER EXHIBITS

- EXHIBIT P1 A TRUE COPY OF THE UDYAM
REGISTRATION CERTIFICATE, BEARING
UDYAM REGISTRATION NUMBER UDYAM-KL-
10-0016437, DATED 27.06.2022
- EXHIBIT P2 A TRUE COPY OF THE ORDER BEARING
NUMBER DWCD/1976/2022-LCDSA1 , DATED
18.05.2023, ISSUED BY THE LST
RESPONDENT
- EXHIBIT P3 A TRUE COPY OF THE G.O. (P) NO.
3/2021/SPD, DATED 22.03.2021, OF
GOVERNMENT OF KERALA.
- EXHIBIT P4 A TRUE COPY OF THE G.O. (P) NO.
2/2019 /SPD, DATED 24.01.2019,
ISSUED BY PRINCIPLE SECRETARY, STORE
PURCHASE DEPARTMENT
- EXHIBIT P5 A TRUE COPY OF OFFICIAL MEMORANDUM
DATED 02.07.2021 ISSUED BY THE
MINISTRY OF MICRO, SMALL & MEDIUM
ENTERPRISES, GOVERNMENT OF INDIA.
- EXHIBIT P6 A TRUE COPY OF THE JUDGMENT DATED
05.04.2023 IN WP © 3928 OF 2023.
- EXHIBIT P7 A TRUE COPY THE ORDER NO. 649/22,
DATED 11.05.2023 ISSUED BY THE CHILD
DEVELOPMENT PROJECT OFFICER,
MALAPPURAM.
- EXHIBIT P8 A TRUE COPY OF THE TENDER NOTICE
DATED 30.05.2023 ISSUED BY THE CHILD
DEVELOPMENT OFFICER, NENMARA

RESPONDENTS EXHIBITS : NIL

//TRUE COPY//

PA TO JUDGE



GOVERNMENT OF KERALA

Abstract

Stores Purchase Department – Practice of registration of MSME Units in Government of Kerala ceased– Orders Issued.

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STORES PURCHASE (A) DEPARTMENT

G.O.(P) No.2/2019/SPD Dated, Thiruvananthapuram, 24.01.2019

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Read:- G.O (P) No. 3/2013/SPD dated:21.06.13

G.O (P) No. 6/14/SPD dated: 17.05.14

ORDER

For establishing reliable sources of procurement of stores commonly requires for Government use, the Stores Purchase Manual provides in para 5.3 that the Stores Purchase Department will prepare and maintain item-wise register of eligible and qualifies suppliers. Such approved suppliers will be known as "Registered Suppliers". It provides that all Departments may utilise the services of the registered suppliers as and when necessary. Such registered suppliers are prima-facie eligible for consideration for procurement of stores through limited tender enquiry. They are also ordinarily exempted from furnishing Earnest Money Deposit (EMD)/Bid security with their tenders. Such suppliers are registered for a fixed period of two years and could apply a fresh for renewal of registration after such period.

As per the Government Order cited 2nd above, MSMEs have been given exemption from payment of tender fee and EMD.

A number of changes have taken place subsequently. Government of India has introduced Udyog Aadhaar Registration as an online MSME registration, on self declaration basis, which provided Udyog Aadhaar Number of such registered MSME units. Government of India have also started Government e-Marketplace (GEM) portal wherein units could offer their products online along with price and various Central and State Government Departments and organisations could purchase goods on GeM platform online. Directorate General of Supplies and Disposals (DGS&D) used to provide rate contract for various products. Government Departments could purchase items on those rate contracts. Government of India, Department of Supply has stopped rate contract through DGS&D and shifted to GeM portal.

In the light of these developments, Government have examined the matter in detail and decided to stop the practice of registering MSME suppliers as registered suppliers. Henceforth, Government Departments and organisations while undertaking purchase of goods and services should provide exemption from tender fee and EMD to MSME to having Udyog Aadhaar Registration. For providing 20% reservation to MSMEs as provided in para 8.9 of Stores Purchase Manual, Government Departments and organisations should carryout necessary due diligence to ensure that the MSME unit has technical and financial capability to supply the goods and services and is indeed an MSME. Such due diligence could be carried out as deemed necessary by the purchasing organisation including thorough examination of annual accounts of the unit, field inspection, etc.

By Order of the Governor,

MANOJ JOSHI

Principal Secretary to Government

To

All Heads of Departments/Public Sector Undertakings/Local Self
Government Institutions/Autonomous Bodies etc.

The Accountant General (A&E), Kerala, Thiruvananthapuram.

All Departments in the Secretariat (including Law and Finance)

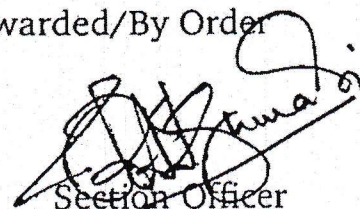
The Web and New Media (I & PRD), Thiruvananthapuram (for hosting
the Government Order in the Government website [www. Kerala.gov.in](http://www.Kerala.gov.in))

The Director, C-DIT, Chittazham, Lavanya Building, Behind SMSM
Institute, Statue, Thiruvananthapuram (for hosting the Government
Order in the Website www.spd,kerala.gov.in)

✓ The Director of Printing, Thiruvananthapuram (with C/L)

Stores Purchase (A1, A2, A3, B, Inspection Wing -I & II) Department

Forwarded/By Order



Section Officer