

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

RP.No. 191 of 2015

JUDGMENT DATED 20-12-2014 IN WP(C) 32889/2014
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REVIEW PETITIONER(S)/RESPONDENTS 1 AND 2 IN W.P.(C):

1. KERALA STATE RURAL ROADS DEVELOPMENT AGENCY,
TC 28/885, 3RD FLOOR, CSI BUILDING,
PULIMOODU, THIRUVANANTHAPURAM-695 001,
REPRESENTED BY ITS SUPERINTENDING ENGINEER.
2. SUPERINTENDING ENGINEER,
KERALA STATE RURAL ROADS DEVELOPMENT AGENCY,
TC 28/885, 3RD FLOOR, CSI BUILDING,
PULIMOODU, THIRUVANANTHAPURAM-695 001.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

RESPONDENT(S)/PETITIONER & 3RD RESPONDENT IN WP(C):

1. G.V.DAVIS,
S/O.G.O. VARGHESE, CONTRACTOR, GOPURATHINGAL HOUSE,
KARUKUTTY P.O., ANGAMALY VIA, ERNAKULAM DISTRICT.
2. FRANCIS,
S/O.ELUVATHINGAL CHAKKUNNY, CHEVOOR DESOM,
THRISSUR TALUK, THRISSUR DISTRICT, PIN - 680 001.

**BY ADVS. SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.TABHILASH**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.MUHAMED MUSTAQUE, J.

R.P.No. 191 of 2015

in

W.P(C).No.32889 of 2014

Dated this the 16th October, 2015

O R D E R

The review is at the instance of the Government. The writ petitioner approached this Court in the Writ Petition to release the bill amount for the work undertaken for effecting improvements to three roads. It was opposed by the learned Government Pleader that there was a Vigilance Enquiry initiated. This Court directed to release the amount and issue completion certificate without prejudice to the right to pursue the vigilance enquiry.

2. The review is in fact necessitated when the Director of Vigilance and Anti Corruption Bureau as per communication dated 8.1.2015 found that the petitioner caused damage to the tune of ₹10,64,177/- as loss to the exchequer, and therefore, the judgment is required to be reviewed. It is submitted that the Government is entitled to withhold the payment. It is further submitted that

subsequently, based on further verification, the amount has been reduced to ₹77,830/-. It is also submitted that the Government is examining the entire matter threadbare and require some more time to complete the enquiry. It is further submitted that if the amount is released, it will prejudice the Government as well as recovery of the amount.

3. This Court is of the view that the Government shall complete the enquiry within three months from the date of receipt of a copy of this judgment. The respondent shall release the amount after deducting ₹11,00,000/-. The release of this amount would depend upon the outcome of the Vigilance enquiry. The balance amount shall be released within two weeks. it is made clear that the amount need be released only in accordance with the agreement.

The Review Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs19/10/15