

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 4753 of 2015 (T)

PETITIONER :

**M/S. DORA INFRASTRUCTURES & PROPERTIES (P) LTD
KARIMKUTTIYIL BUILDING, ANGADI, RANNY
PATHANAMTHITTA,
REPRESENTED BY ITS MANGING DIRECTOR
ABRAHAM K. THOMAS**

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH**

RESPONDENT(S) :

- 1. THE SUPERINTENDING ENGINEER
PUBLIC WORKS DEPARTMENT (BUILDING DIVISION) SOUTH CIRCLE,
TRIVANDRUM - 695001**
- 2. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT (BUILDING DIVISION)
PATHANAMTHITTA - 689645**
- 3. STATE OF KERALA
REPRESENTED BY THE SECRETARY
PUBLIC WORKS DEPARTMENT, SECRETARIAT
TRIVANDRUM, PIN – 695001.**

R1 TO R3 BY GOVT. PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 4753 of 2015 (T)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1:** TRUE COPY OF RELEVANT PAGES OF E-TENDER INVITATION NOTICE FOR THE WORK-CONSTRUCTION OF NEW BLOCK AT GOVERNMENT HIGHER SECONDARY SCHOOL, CHITTAR DT. 11.4.14.
- EXT. P2:** TRUE COPY OF SELECTION NOTICE DATED 28.01.2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- EXT. P3:** TRUE COPY OF LETTER DATED 11.02.2015 ISSUED BY THE 2ND RESPONDENT SHOWING THE DUES TO THE PETITIONER.
- EXT. P4:** TRUE COPY OF REPRESENTATION DATED 02.02.2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT. P5:** TRUE COPY OF ORDER DATED 17.11.2014 ISSUED BY THE SUPERINTENDENT ENGINEER, ROADS AND BRIDGES DIVISION

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4753 of 2015

Dated this the 18th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

“i) Issue a Writ of Mandamus or such other Writ, Order or Direction commanding the respondents to permit the petitioner to enter into the agreement for execution of the work awarded by Ext.P2 Selection Notice, treating any part of amount of Rs.5,86,02,858/- covered by Ext.P3, preferably Item No.9 and 11 of Ext.P3, as security deposit in compliance with Ext.P2 Selection Notice;

ii) Issue a Writ of Mandamus or such other Writ, Order or Direction commanding the respondents to disburse amounts from the pending bills, which is equal to the security deposit required by Ext.P2;

iii) Issue a Writ of Mandamus or such other Writ, Order or Direction directing respondents to dispose of Ext.P4; And

iv) To grant such other reliefs as this Hon'ble Court may deem just and fit in the circumstances of the case.”

2. The learned counsel for the petitioner submits that, a total sum of nearly Rs.5,86,02,858/- is pending disbursement to the petitioner as evident from Ext.P3 proceedings dated 11.02.2015 issued by the Executive Engineer. The learned

counsel also submits that, the total liability to be satisfied by the petitioner by way of 'security deposit' is only to the tune of Rs.47,51,500/- (Rupees Forty seven lakh fifty one thousand and five hundred only) as evident from Ext.P2. It is stated that, the petitioner has no objection at all in appropriating the said extent by keeping disbursement of the bills shown at Serial Nos.9 and 11 of Ext.P3, in abeyance, which will suffice the requirement.

3. The learned Government Pleader submits on instructions that, all the bills shown in Ext.P3 are pending clearance to be disbursed to the petitioner and that the disbursement will be effected strictly in accordance with the seniority.

4. After hearing both the sides, this Court finds that in so far as the payment due to the petitioner is admitted as evident from Ext.P3, the respondents are set at liberty to detain the bills at Serial Nos.9 and 11 of Ext.P3 as against the amount covered by Ext.P2 (the security deposit to be satisfied in connection with Ext.P1 tender). A further period of 'two weeks' is granted to complete the steps in connection with the new tender.

The petitioner shall produce a copy of this judgment, along

with a copy of the writ petition, before the respondents, for further steps.

The writ petition is disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

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