

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 6727 of 2015 (M)

PETITIONER:

**K.N.UNNIKRISHNAN NAIR,
AMBATTUPARA HOUSE,
QUARTERS ROAD,
ALUVA-683 101.**

**BY ADVS.SRI.SHAJI THOMAS
SRI.BINU PAUL
SRI.T.V.VINU
SRI.GEORGE PULIKUTHIYIL**

RESPONDENT(S):

- 1. SUPERINTENDING ENGINEER,
PH CIRCLE,
KERALA WATER AUTHORITY,
PALAKKAD-678 001.**
- 2. EXECUTIVE ENGINEER,
WATER SUPPLY PROJECT DIVISION,
KERALA WATER AUTHORITY,
KALMANDAPAM,
PALAKKAD-678 001.**
- 3. KERALA WATER AUTHORITY,
REP. BY ITS MANAGING DIRECTOR,
JALA BHAVAN,
THIRUVANANTHAPURAM-695 033.**

R BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 6727 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT P1 : TRUE COPY OF THE ORDER NO.KWA/PHC/PKD/JS-193/2001 DATED 27-11-2013 OF THE 1ST RESPONDENT.

EXT P2 : TRUE COPY OF THE VOUCHER DATED 18-03-2010.

EXT P3 : TRUE COPY OF THE VOUCHER DATED 29-05-2010.

EXT P4 : TRUE COPY OF THE VOUCHER DATED 11-07-2011.

EXT P5 : TRUE COPY OF THE INFORMATION NO.KWA/WSP/PKD/E1 5/09 VOL.II DATED 15-10-2014.

EXT P6 : TRUE COPY OF LETTER NO.KWA/CE/NR/A2-GENERAL/2014 DATED 07-11-2014, OF THE CHIEF ENGINEER, KWA, KOZHIKODE.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 6727 of 2015

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Dated, this the 11th day of March, 2015

JUDGMENT

The grievance of the petitioner is with regard to the non-releasing of retention amount retained by the respondents, even after the completion of the contract work with the satisfaction of all concerned. It is also stated that the respondent have released the retention amount to those contractors, who executed the work subsequent to the petitioner. Hence the writ petition, with the following prayers :

(i) Issue a writ of mandamus or any other writ, direction or order commanding the respondents to release the retention amount due to the petitioner forthwith;

(ii) Issue a writ of mandamus or any other writ, direction or order, commanding the respondents to pay penal interest at the rate of 18 % for the amount illegally withheld from the petitioner.

And

(iii) Issue any such writ, order or direction as this Hon'ble court may deem fit and proper in the nature and circumstances of the case.

2. The learned standing counsel appearing for the respondent Water Authority submits that steps are being pursued on war footing to make arrangements to disburse the amount due to the petitioner as per Exts. P5 and P6. It is also stated that the due amount to the petitioner will be disbursed at the earliest, at any rate, within two months.

3. In the said circumstances, the writ petition is disposed of, recording the submission of the learned standing counsel as aforesaid.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd