

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C) .No. 9192 of 2015 (Y)

PETITIONER(S) :

PETER,
AGED 69 YEARS, S/O.VARKEY,
KOTTAPPURATHU HOUSE, POONITHURA P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.SHERRY J. THOMAS.

RESPONDENT(S) :

1. LAKSHADWEEP DEVELOPMENT CORPORATION LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
PANAMPILLY NAGAR, KOCHI - 682 036.
2. GENERAL MANAGER,
LAKSHADWEEP DEVELOPMENT CORPORATION LTD.,
PANAMPILLY NAGAR, KOCHI - 682 036.
3. EXECUTIVE ENGINEER,
LAKSHADWEEP PWD DIVISION,
INDIRA GANDHI ROAD, W/ISLAND,
KOCHI - 3.

BY SRI.S.RADHAKRISHNAN, SC,LAKSHADWEEP ADMN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ivs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1: THE TRUE COPY OF THE LETTER DATED 18/1/2013 ISSUED BY THE
3RD RESPONDENT TO THE OFFICE OF 1ST RESPONDENT

EXT. P2: THE REQUEST DATED 25/3/2014 SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT.

EXT. P3: TRUE COPY OF THE JUDGMENT DATED 11/8/2014 IN WPC
18028/2014.

EXT. P4: TRUE COPY OF THE BANK ACCOUNT STATEMENT OF THE
PETITIONER.

EXT. P5: THE TRUE COPY OF THE LETTER DATED 2/3/2015 ISSUED BY
PETITIONERS BANK SHOWING THE DETAILS OF EMD DEMAND DRAFT.

EXT. P6: THE TRUE COPY OF THE RECEIPT OF RS.1; ,63,320/- FOR
CENTRAL SERVICE TAX PAYMENTS.

EXT. P7: THE TRUE COPY OF THE REQUEST DATED 1/2/15 SUBMITTED BY
PETITIONER

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 9192 of 2015

Dated this the 24th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“i. Call for the entire records pertaining to the pending payment pursuant to Exhibit P1 Verification of bills by the 3rd respondent.

ii. Issue a writ of mandamus, any other writ, order or direction, directing the 1st and 2nd respondents to release the EMD amount Rs.65,100/-, Service Tax amount Rs163320/- and balance pending amount in the admitted bill of Rs490540/- with interest.

iii. Issue a writ of mandamus, any other writ, order or direction, directing the 1st and 2nd respondents to consider Ext.P7 and release the pending payment.”

2. It is seen that the petitioner has approached this Court earlier by filing W.P.(C). No. 18028 of 2014 which was disposed of as per Ext.P3 judgment dated 11.08.2014, whereby the submission made by the petitioner that he had received the entire amount from the respondents was recorded and the petitioner was set at liberty to approach the Civil Court for claim of interest. In the present writ petition, the petitioner submits

that the EMD furnished by the petitioner is still to be returned. Some other claims are also raised in this regard with the above prayers.

3. The learned Standing Counsel for the respondent Corporation submits that, if the relief of the petitioner stands confined to the release of the EMD, the matter will be considered passing appropriate orders on Ext.P7. The learned counsel for the petitioner agrees to the said proposition.

4. In the said circumstance, 1st respondent is directed to consider and pass appropriate orders on Ext.P7 request made by the petitioner to return the EMD. The proceedings as above shall be finalized at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment. All other issues are left open to be pursued by the competent forum. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

The writ petition is disposed of.

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