

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).NO. 9533 OF 2015 (N)

PETITIONER(S):

**ROY MATHEW, S/O.M.M. MATHEW,
MURINGAMATTOM HOUSE,
PERIYAPPURAM P.O., PAMPAKUDA VIA.**

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

RESPONDENT(S):

- 1. THE SUPERINTENDING ENGINEER,
PUBLIC WORKS DEPARTMENT (BUILDING DIVISION),
SOUTH CIRCLE, TRIVANDRUM- 695 001.**
- 2. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT (BUILDING DIVISION),
COLLECTORATE P.O., KOTTAYAM- 686 002.**
- 3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
PUBLIC WORKS DEPARTMENT, TRIVANDRUM-695 001.**

BY GOVT.PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE RELEVANT PAGES OF THE E-TENDER NOTICE INVITING TENDER FOR THE WORK OF DEPARTMENTAL BLOCK TO IHRD COLLEGE OF ENGINEERING, POONJAR, KOTTAYAM DISTRICT.
- EXT.P2: TRUE COPY OF SELECTION NOTICE DATED 19.03.2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- EXT.P3: TRUE COPY OF THE STATEMENT 17.03.2015 ISSUED BY THE EXECUTIVE ENGINEER, BUILDINGS DIVISION, COLLECTORATE P.O, KOTTAYAM.
- EXT.P4: TRUE COPY OF THE CERTIFICATE DATED 20.03.2015 ISSUED FROM THE FEDERAL BLOCK, KOOTHATTUKULAM BRANCH.
- EXT.P5: TRUE COPY OF THE REPRESENTATION DATED 19.03.2015 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P6: TRUE COPY OF THE ORDER DATED 17.11.2014 PASSED BY THE SUPERINTENDING ENGINEER, ADJUSTING AN EQUAL AMOUNT OF PENDING BILL TOWARDS THE SECURITY DEPOSIT.
- EXT.P7: TRUE COPY OF THE JUDGMENT IN WP(C).NO.4753/2015 BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9533 of 2015

Dated this the 31st day of March, 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 or 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, by treating the amount shown in Item No.3 in Ext.P3, as the deposit amount (Rs.39,19,600/-) required by the Ext.P2 Selection Notice.

ii) Issue a Writ of Mandamus or such other writ or order or direction directing respondents to disburse the amount from Ext.P3 which is equal to the security deposit required by Ext.P2;

iii) Issue a Writ of Mandamus or such other writ or 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.2,04,89,747/- is pending disbursement to the petitioner as evident from Ext.P3 proceedings dated 17.03.2015 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.39,19,600/- (Rupees thirty nine lakh nineteen thousand and six 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 Item No.3 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 in Item No.3 in 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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