

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 13981 of 2012 (W)

PETITIONER :

**M/S.ORIENTAL STRUCTURAL ENGINEERS PVT. LTD.,
21, COMMERCIAL COMPLEX, MALCHA MARG,
DIPLOMATIC ENCLAVE, NEW DELHI-110 021,
REPRESENTED BY THE GENERAL MANAGER
(CONTRACTS), BISWARUP CHANDA.**

**BY SRI.K.L.VARGHESE,SENIOR ADVOCATE
ADVS. SMT.SANTHA VARGHESE
SRI.RAHUL VARGHESE
SRI.RANJITH VARGHESE**

RESPONDENT(S):

- 1. THE STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001**
- 2. THE PROJECT DIRECTOR,
KERALA PUBLIC WORKS DEPARTMENT,
KERALA STATE TRASPORT PROJECT (KSTP), TC. 11/339,
JAGAD BUILDING, KESTON ROAD, NANTHANCODE,
KOWDIAR P.O., THIRUVANANTHAPURAM-695 003.**
- 3. THE ASSISTANT COLLECTOR-II,
EXECUTIVE MAGISTRATE, DISTRICT NEW DELHI,
12/1 JAM NAGAR HOUSE, SHAHJAHAN ROAD,
NEW DELHI-110 011.**

**R1 BY ADDL. ADVOCATE GENERAL SRI.K.A.JALEEL
R2 BY ADV. SRI.K.V.MANOJ KUMAR
SRI.P.R.SREEJITH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1: TRUE COPY OF NOTIFICATION DATED 28-08-2005.
- EXHIBIT P2: TRUE COPY OF THE ARBITRAL AWARD DATED 03-09-2005.
- EXHIBIT P3: TRUE COPY OF THE DISTRICT COURT ORDER DATED 06-09-2007.
- EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 17-09-2009 IN ARBITRAION
APPEAL NO. 32/2007.
- EXHIBIT P5: TRUE COPY OF THE APPLICATION FOR AMENDMENT OF CLAIM
DATED 28-03-2011.
- EXHIBIT P6: TRUE COPY OF THE MAJORITY DECISION OF THE ARBITRAL
TRIBUNAL DATED 28-03-2011.
- EXHIBIT P7: TRUE COPY OF 2ND RESPONDENT'S LETTER DATD 20-06-2011.
- EXHIBIT P8: TRUE COPY OF PETITIONER'S LETTER DATED 08-7-2011.
- EXHIBIT P9: TRUE COPY OF DEMAND NOTICE DATED 30-05-2012 FROM THE 3RD
RESPONDENT WITH ENCLOSURES.

RESPONDENTS' EXHIBITS:

- EXHIBIT R2(A): TRUE COPY OF THE RELEVANT PAGES OF THE AGREEMENT WITH
THE PETITIONER DATED 7/1/2002
- EXHIBIT R2(B): TRUE COPY OF THE RATE ANALYSIS SUBMITTED BY THE
PETITIONER.
- EXHIBIT R2(C): TRUE COPY OF THE PRICE LIST FROM IOC TO THE PETITIONER.
- EXHIBIT R2(D): TRUE COPY OF THE DISPATCH REGISTER EVIDENCING DISPATCH TO
THE PETITIONER.

/TRUE COPY/

P.A.TO JUDGE

K.VINOD CHANDRAN, J

W.P.(C).No. 13981 of 2012

Dated 30th May, 2014

JUDGMENT

On 29.05.2014, when the matter was called, the counsel for the petitioner was absent and the matter was posted to 30.05.2014. Today also, the counsel for the petitioner is absent.

Hence, the writ petition is dismissed for default.

Sd/-

**K.VINOD CHANDRAN,
Judge**

Mrcs