

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 15608 of 2015 (A)

PETITIONER(S) :

**R.RAJESH, AGED 45 YEARS, PROPRIETOR,
M/S.SAKTHI ENTERPRISES, S/O.R.RAJENDRANATHAN NAIR,
'SAKTHI', PAZHAVEEDU P.O., ALAPPUZHA-688 009.**

**BY ADVS.SRI.ANIL GEORGE
SRI.JOBY JACOB PULICKEKUDY**

RESPONDENT(S) :

- 1. KERALA WATER AUTHORITY,
REPRESENTED BY THE MANAGING DIRECTOR, JALABHAVAN,
THIRUVANANTHAPURAM, PIN- 695 001.**
- 2. CHIEF ENGINEER (CENTRAL REGION), KERALA WATER AUTHORITY,
NEAR GENERAL HOSPITAL, KOCHI, PIN- 682 011.**
- 3. THE SUPERINTENDING ENGINEER,
PH CIRCLE, NEAR GENERAL HOSPITAL, KOCHI, PIN-682 011.**
- 4. THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PROJECT DIVISION, PERUMBAVOOR.**
- 5. THE DISTRICT COLLECTOR & SECRETARY,
GIDA(LSGD), COLLECTORATE, KAKKANAD, PIN- 682 030.**
- 6. THE SECRETARY TO FINANCE, FINANCE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN- 695 001.**

*** ADDITIONAL R7 IMPEADED**

- 7. SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT,
THIRUVANANTHAPURAM.**

*** ADDITIONAL R7 IS IMPEADED AS PER ORDER DATED 14.07.2015 IN
I.A.NO.9944 OF 2015**

**R1 TO R4 BY ADV. SRI.MILLU DANDAPANI, S.C
R5 BY ADV. SRI.VARGHESE K.PAUL
R6 & R7 BY SR.GOVERNMENT PLEADER SRI.BIJU MEENATTOOR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1 : TRUE PHOTOCOPY OF THE WORK ORDER DATED 19.06.2013
ISSUED BY THE 3RD RESPONDENT.**

**EXHIBIT P2 : TRUE PHOTOCOPY OF THE LETTER ISSUED BY
THE 4TH RESPONDENT DATED 16.04.2015.**

**EXHIBIT P3 : TRUE PHOTOCOPY OF THE VOUCHER ISSUED BY
THE 4TH RESPONDENT IN THE NAME OF THE PETITIONER FOR AN
AMOUNT OF RS.32,33,071/-.**

RESPONDENT(S)' EXHIBITS :

**EXHIBIT R5(A): THE TRUE COPY OF THE G.O.(RT)NO.621/10/LSGD
DATED 24.02.2010 ISSUED BY THE GOVERNMENT OF
KERALA.**

**EXHIBIT R5(B): THE TRUE COPY OF THE EXTRACT OF THE GENERAL
COUNCIL DECISION OF GIDA HELD ON 12.02.2013.**

**EXHIBIT R5(C): THE TRUE COPY OF THE LETTER NO.GIDA/887/2008
DATED 04.03.2013 ISSUED BY THE SECRETARY OF GIDA TO
THE SECRETARY TO THE GOVERNMENT, LOCAL SELF
GOVERNMENT, DEPARTMENT.**

**EXHIBIT R5(D): THE TRUE COPY OF THE LETTER NO.GIDA/887/2008
DATED 01.11.2014 ISSUED BY THE SECRETARY OF GIDA TO
THE SECRETARY TO THE GOVERNMENT, LOCAL SELF
GOVERNMENT, DEPARTMENT.**

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

W.P.(C) No. 15608 of 2015 (A)

Dated this the 3rd day of August, 2015

J U D G M E N T

The petitioner is a contractor who had executed the work of supply, erection, testing and commissioning of two number of pump sets with all accessories having a discharge of 125 LPS against total head of 52 mts, in pursuance of the larger work undertaken by the Goshree Islands Development Authority (GIDA), the 5th respondent herein; of Deposit Work-Water Supply Scheme to Kadamakudy Panchyat. The petitioner's work had been completed and there is no complaint with respect to the work carried on by the petitioner, either by the 5th respondent, who is the owner of the work, or the Kerala Water Authority, who had executed the work through the petitioner. Both have filed counter affidavits contending that there is no liability on the petitioner with respect to the work.

2. The 5th respondent, however, contends that the work had, in fact, obtained administrative sanction for Rs.16.88 crores. After the commencement of the work, the expenditure got beyond the sanctioned amount and the GIDA is said to have now applied for administrative sanction for a total amount of Rs.31 crores; an additional of Rs.14.12 crores. The same is said to be pending by Exts.R5(c) and R5(d) before the additional 7th respondent.

3. However, it is an admitted fact that there was no escalation with respect to the petitioner's work and the expenditure for the petitioner's work was within the administrative sanction earlier obtained. There is no reason why the petitioner's payment be kept pending for the administrative sanction of the work in which there was escalation of expenditure.

4. In such circumstance, the petitioner shall approach the additional 7th respondent and the additional 7th respondent shall, after getting report from the GIDA and

the 1st respondent within a period of two months from today, sanction the amount and the disbursal shall be made by the 5th respondent to the 1st respondent, who shall in turn make it to the petitioner. The report of the 5th and 1st respondents shall also be placed before the additional 7th respondent within a period of one month from today. If necessary the additional 7th respondent shall obtain sanction from the 6th respondent.

Writ Petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE