

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

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

WP(C).No. 18399 of 2013 (Y)

PETITIONER(S) :

**SELVAN L.,
KOCHUMAVELI VEEDU, THAMALAM, POOJAPPURA.P.O,
THIRUVANANTHAPURAM.**

BY ADV. SMT.RAKHI RAVIKUMAR

RESPONDENT(S) :

**THIRUVANANTHAPURAM CITY CORPORATION,
THIRUVANANTHAPURAM, LMS JUNCTION,
REPRESENTED BY ITS SECRETARY- 695 032.**

**BY SRI.N.NANDAKUMARA MENON (SENIOR ADVOCATE)
ADV. SRI.P.K.MANOJKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE OFFER ACCEPTANCE NOTICE DATED 08.10.2012 FOR THE WORK OF CONSTRUCTION OF SIDE WALL RETAINING AT NALANJIRA WARD IN THIRUVANANTHAPURAM CITY CORPORATION.**
- P2: TRUE COPY OF THE RETURN OFFER ON 25.04.2012 LETTER ISSUED BY THE PETITIONER.**
- P3: TRUE COPY OF THE CONTRACT CERTIFICATE ISSUED TO THE PETITIONER.**
- P4: TRUE COPY OF THE PAY SLIP ISSUED TO THE PETITIONER.**
- P5: TRUE COPY OF THE NOTICE NO.25/3/13-14 DATED 12.06.2013 ISSUED BY THE RESPONDENT.**
- P6: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.18399 of 2013

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Dated this the 24th day of March, 2015

JUDGMENT

Aggrieved by the delay in paying the amount due to the petitioner, even after satisfactory completion of the work entrusted by the respondent corporation to him, the petitioner has come up before this Court.

2. The petitioner is an 'A' class contractor taking public works for the last 10 to 15 years. He has taken works in different wards at Thiruvananthapuram and has completed all the works successfully. The petitioner further alleges that so many works were completed by him and is having a lot of liabilities to clear off.

3. The grievance of the petitioner is that the respondent is not disbursing the bill amounts due to the petitioner. The petitioner alleges that he had taken a work at Thiruvananthapuram city

corporation at Nalanjira ward, retaining wall construction in Chempakassery road.

4. The selection notice of the officer was issued to him on 8.10.2012. It was accepted and an agreement was executed on 31.10.2012. The date of commencement of the work was on 9.10.2012 and the date of completion was on 1.11.2012. The petitioner further alleges that the total amount sanctioned is ₹12,90,000/-. However, the tender was accepted for an amount of ₹8,46,993/-. The petitioner further alleges that he has done the work successfully and the final bill was produced. Even though, there is a request for disbursing the bill amount, till date it was not given. It is with this background, the petitioner has come up before this Court.

5. In the statement filed by the respondent, they have averred that 50% of the bill amount has been paid to him on 8.7.2013 and as per the priority list of contractors for payment of bill amounts prepared by the corporation on the basis of the decision of a Division

Bench of this Court, the priority number of the work completed by the petitioner is 259 and on 6.3.2014, payments up to Sl.No.129 has been already disbursed. It was submitted by the learned standing counsel for the respondent corporation that the balance 50% shall be paid to the petitioner as soon as his urn arises.

Recording the said submission, the writ petition is closed.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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