

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

WP(C).No. 19234 of 2015 (D)

PETITIONER(S) :

SALI P.MATHAI,
PULIMANACKAL HOUSE, MANAKKAD.P.O.,
THODUPUZHA.

BY ADVS.SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN.

RESPONDENT(S) :

1. THE KERALA WATER AUTHORITY,
JALBHAVAN, THIRUVANANTHAPURAM-695 033,
REP. BY ITS MANAGING DIRECTOR.
2. SUPERINTENDING ENGINEER,
P.H. CIRCLE, KERALA WATER AUTHORITY,
KOCHI-682 011.
3. THE EXECUTIVE ENGINEER,
OFFICE OF THE EXECUTIVE ENGINEER, P.H. DIVISON,
KERALA WATER AUTHORITY, KOCHI-682 016.
4. THE ASST. EXECUTIVE ENGINEER,
W.W.SUB DIVISON, KWA, KALOOR,
KOCHI-682 017.

BY ADV. SRI.JOSEPH JOHN, SC, KERALA WATER AUTHORITY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1- TRUE COPY OF THE RELEVANT PAGES OF THE TENDER CONDITIONS.
EXT. P2- TRUE COPY OF APPROVED BREAK UP SCHEDULE OF PAYMENT.
EXT. P3- TRUE COPY OF THE LETTER DT. 1.4.2014 ISSUED BY THE PETITIONER.
EXT. P4- TRUE COPY OF THE LETTER DT. 2.4.2014 ISSUED BY THE PETITIONER.
EXT. P5- TRUE COPY OF THE LETTER DT. 1.1.2014 ISSUED BY THE PETITIONER.
EXT. P6- TRUE COPY OF THE REPLY DT. 14.11.2014 ISSUED BY 4TH RESPONDENT.
EXT. P7- TRUE COPY OF THE REPLY DT. 26.11.2014 ISSUED BY 2ND RESPONDENT.
EXT. P8- TRUE COPY OF THE LETTER DT. 1.12.2014 ISSUED BY THE PETITIONER.
EXT. P9- TRUE COPY OF THE REPLY DT. 4.12.2014 ISSUED BY 3RD RESPONDENT.
EXT. P10- TRUE COPY OF THE LETTER DT. 20.11.2014 ISSUED BY GCDA.
EXT. P11- TRUE COPY OF THE LETTER DT. 22.12.2014 ISSUED BY PETITIONER.
EXT. P12- TRUE COPY OF THE LETTER DT. 6.11.2014 ISSUED BY 3RD RESPONDENT TO GCDA.
EXT. P13- TRUE COPY OF THE LETTER DT. 3.5.2014 ISSUED BY GCDA TO 3RD RESPONDENT.
EXT. P14- TRUE COPY OF THE LETTER DT. 21.6.2014 ISSUED BY GCDA TO 4TH RESPONDENT.
EXT. P15- TRUE COPY OF THE LETTER DT. 7.1.2015 ISSUED BY 2ND RESPONDENT.
EXT. P16- TRUE COPY OF THE LETTER DT. 12.1.2015 ISSUED BY 3RD RESPONDENT.
EXT. P17- TRUE COPY OF THE LETTER DT. 24.1.2015 ISSUED BY THE PETITIONER.
EXT. P18- TRUE COPY OF THE LETTER DT. 16.1.2015 ISSUED BY 4TH RESPONDENT.
EXT. P19- TRUE COPY OF THE LETTER DT. 19.1.2015 ISSUED BY 3RD RESPONDENT.
EXT. P20- TRUE COPY OF THE LETTER DT. 23.1.2015 ISSUED BY 2ND RESPONDENT.
EXT. P21- TRUE COPY OF THE LETTER DT. 10.2.2015 ISSUED BY 3RD RESPONDENT.
EXT. P22- TRUE COPY OF THE LETTER DT. 25.2.2015 ISSUED BY PETITIONER.
EXT. P23- TRUE COPY OF THE LETTER DT. 5.5.2015 ISSUED BY 2ND RESPONDENT.
EXT. P24- TRUE COPY OF THE LETTER DT. 19.5.2015 ISSUED BY PETITIONER.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A. MUHAMED MUSTAQUE, J.

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W.P.(C) No. 19234 of 2015 (D)

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Dated this the 31st day of August, 2015

JUDGMENT

The petitioner, an awarder of the work by the 2nd respondent, has approached this Court on account of the non payment of the amount due to the work relating to the replacement of the pipes, which were lying in Kaloor-Kathrikadavu road.

2. It appears that on account of delay in obtaining consent from GCDA, the work could not be commenced by the petitioner.
3. The learned counsel for the petitioner submits that, the petitioner is prepared to undertake the work even though the time is over, provided that the respondents shall pay the entire amount for the supply made.
4. The learned standing counsel submits that since the petitioner failed to commence the work, they refused to disburse the amount. It is also admitted that the time of the execution of the work is over.

5. Considering the nature and public importance of the work, this Court is of the view that, the petitioner shall be given the entire amount for the supply made on condition that he shall execute a supplementary agreement to complete the work. Therefore, following direction is issued; the petitioner shall appear before the 2nd respondent and execute a supplementary agreement. Before signing the agreement, the entire amount for supply made by the petitioner shall be paid. Needful shall be done within a period of one month from today.

The writ petition is disposed of.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

AMV/31/08/