

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 19680 of 2015 (H)

PETITIONER(S):

**JOHN JACOB, AGED 47 YEARS,
S/O.V. CHACKO, THYPARAMPIL, PALIAKKARA,
THIRUVALLA, PATHANAMTHITTA DISTRICT-689 101.**

BY ADV. SMT.BINDU GEORGE

RESPONDENT(S):

- 1. LOCAL SELF GOVT. DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695 001,
REPRESENTED BY THE SECRETARY.**
- 2. THE MUNICIPALITY OF THIRUVALLA,
THIRUVALLA - 689 10
PATHANAMTHITTA- REPRESENTED BY THE SECRETARY.**

**R1 BY GOVERNMENT PLEADER SMT.ANITHA RAVEENDRAN
R2 BY SRI.S.SUBHASH CHAND, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 19680 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. COPY OF THE RENEWAL RECEIPT OF THE PERIOD DATED 2011-2013.

EXT.P2. COPY OF THE CONTRACTOR REGISTRATION RECEIPT.

EXT.P3. COPY OF THE FIRST AND FINAL BILL (PRETTY CONTRACT BILL).

EXT.P4. COPY OF THE REPRESENTATION DATED 14/1/2013.

EXT.P5. COPY OF THE REPRESENTATION DATED 20/8/2013.

EXT.P6. COPY OF THE REPRESENTATION DATED 20/11/2014.

EXT.P7. COPY OF THE REPRESENTATION DATED 15/6/2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.19680 of 2015

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Dated this the 12th day of August, 2015

JUDGMENT

The petitioner was a 'C' class contractor of PWD from 1977 to 2012 and is a municipality licensed contractor from 1999 onwards also. The petitioner was doing the work for 2nd respondent for the last several years. His grievance is that even though he completed his work in the year 2012 and final bill was passed in the year 2012 itself, the 2nd respondent denied the disbursement of the bill amount after repeated demands.

2. The petitioner entered into an agreement with the 2nd respondent on 19.12.2011 as per Reference No.23/11-12. The nature of the work was the improvement of KSEB Road in Ward No.13 of the respondent municipality. The bill amount of ₹1,36,316/- was passed as early as on 2012; it is alleged. However, the respondent is not disbursing the amount to the petitioner till date. Therefore, he has submitted several representations directly to the respondent municipality. However, it could not evoke any positive response. It is with this background, the petitioner has come up before this Court.

3. Arguments have been heard.

4. The learned standing counsel for the respondent municipality on instructions submitted that the petitioner's request is under process and it will take some more time to make the payment. It was also submitted that the delay is not willful and it is only on account of the procedural formalities.

In the light of the submission made by the learned standing counsel for the respondent municipality, the writ petition is disposed of directing the respondent municipality to make the payment to the petitioner, within 45 days from the date of receipt of a copy of this judgment. In the event of failure to make payment as stipulated above, the respondent shall pay interest @ 12% per annum from the date on which the payment had become due till the date of payment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

krj