

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 23130 of 2015 (M)

PETITIONER(S):

- 1. THE CHERTHALA GOVERNMENT SERVANTS'
CO-OPERATIVE BANK LTD NO.235,
CHERTHALA P.O, ALAPPUZHA,
REPRESENTED BY ITS SECRETARY**
- 2. THE MANAGER,
RUBCO FURNITURE SHOW ROOM, 1ST FLOOR,
CHERTHALA GOVT.SERVANTS' CO-OPERATIVE
BANK LTD NO 235, CHERTHALA P.O.**

**BY ADVS.SRI.P.C.SASIDHARAN
SRI.P.E.SAJAL**

RESPONDENT(S):

- 1. THE EXECUTIVE ENGINEER,
OFFICE OF THE EXECUTIVE ENGINEER,
PWD BUILDINGS DIVISION, ALAPPUZHA - 688 001.**
- 2. THE ASSISTANT ENGINEER,
PWD BUILDINGS SECTION, CHENGANNUR - 689 121.**
- 3. THE CHIEF ENGINEER, BUILDINGS DIVISION,
PWD, THIRUVANANTHAPURAM - 695 001.**

BY SENIOR GOVT. PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 : TRUE COPY OF THE APPOINTMENT CERTIFICATE DATED 1/4/2007.

EXHIBIT P2 : TRUE COPY OF THE QUOTATION DATED 16/7/2013.

EXHIBIT P3 : TRUE COPY OF THE COMMUNICATION DATED 29/10/2013.

EXHIBIT P4 : TRUE COPY OF THE BILL SUBMITTED BY THE PETITIONERS.

EXT P4(A) : TRUE COPY OF THE BILL SUBMITTED THE PETITIONERS.

EXHIBIT P5: TRUE COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT
DATED 10/11/2014.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ANIL K. NARENDRA, J.

W.P.(C) No.23130 of 2015

Dated this the 18th day of August, 2015

JUDGMENT

The 1st petitioner is a co-operative society formed for the welfare of government employees. The 2nd petitioner is the Manager of RUBCO which is yet another co-operative society engaged in the manufacture and sale of rubber wood based furniture. The 1st petitioner is the authorised dealer to deal with RUBCO furniture, which is evident from Ext.P1 certificate dated 01.04.2007.

2. The 1st respondent invited quotation for supply of furniture for furnishing the Rest House at Kallissery in Alappuzha District. Pursuant to the aforesaid notification, the 2nd petitioner submitted Ext.P2 quotation dated 16.07.2013, which was accepted by the 1st respondent. By Ext.P3 communication dated 29.10.2013, the petitioners were directed to supply furniture worth Rs.4,40,493/- within a week. The grievance of the petitioners in this writ petition is that though the petitioners have supplied the required furniture covered by

Exts.P4 and P4(a) bills, they are yet to receive payment from the 2nd respondent. Ext.P5 is the communication dated 10.11.2014 of the 2nd respondent, addressed to the Secretary of the 1st petitioner, stating that Ext.P4 and P4(a) bills were duly recorded in M-Book No.34/12-13 and submitted to the Assistant Executive Engineer, PWD Buildings Sub Division, Chengannur on 24.02.2014 alongwith all relevant documents.

3. It is due to non-payment of the amount covered by Exts.P4 and P4(a), the petitioner is before this Court in this writ petition seeking a writ of mandamus commanding the respondents to honor Exts.P4 and P4(a) bills and disburse the amount covered by the said bills without delay.

4. I heard the arguments of the learned counsel for the petitioners and also the learned Government Pleader appearing for the respondents.

5. The fact that the petitioner supplied furniture worth Rs.4,40,493/- is not in dispute. The learned Government Pleader on instructions would submit that the respondents require some time to disburse the payment covered by Exts.P4 and P4(a) bills for want of letter of credit and also to maintain seniority in payment of pending bills.

Considering the fact that the petitioners have supplied the furniture as early as on 03.02.2014, I deem it appropriate to direct the respondents to disburse the amount covered by Exts.P4 and P4(a) bills within a period of two months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of as above.

SD/-
ANIL K. NARENDRAN,
JUDGE

JV