

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 23383 of 2014 (W)

PETITIONER:

JOHNSON JACOB, AGED 50 YEARS,
DIRECTOR, C-EARTH PVT.LTD., 39/2077,
PRAYAG, A.M.THOMAS ROAD, KOCHI-16,
S/O. K.CHACKO, RESIDING AT G.I., SUNSHINE WALK UPS,
TAGORE NAGAR, KADAVANTHRA, KOCHI-682 020.

BY ADVS.SMT.P.RANI DIOTHIMA
SRI. RAJESWARI A.

RESPONDENTS:

1. CORPORATION OF KOCHI REPRESENTED BY ITS SECRETARY,
OFFICE OF THE COCHIN CORPORATION, KOCHI-682 018.
2. LOCAL SERVICE GOVERNMENT DEPARTMENT,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

R1 BY ADV. SRI.RAAJESH S.SUBRAHMANIAN,SC,COCHIN CO
R BY SRI. G. SREEKUMAR, GOVERNMENT PLEADER
R BY SRI.P.K.SOYUZ,SC,COCHIN CORPORATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

P1 : COPY OF THE AGREEMENT EXECUTED BETWEEN THE 1ST RESPONDENT AS 1ST PART AND THE PETITIONER AS THE 2ND PART DTD.30.9.2011.

P2 : COPY OF THE RELEVANT PAGES OF OFFICE MEMORANDUM DTD.22.3.2012 OF THE MINISTRY OF HOUSING AND URBAN POVERTY ALLEVIATION.

P3 : COPY OF THE REPRESENTATION DTD.10.12.2013 SUBMITTED BEFORE THE 1ST RESPONDENT BY THE PETITIONER.

P4 : COPY OF THE LETTER ADDRESSED TO THE 1ST RESPONDENT BY THE EXECUTIVE DIRECTOR OF KUDUMBASREE D.NO.KS/N/5129/11, DTD.21.6.2014.

P5 : COPY OF THE REVISED FINAL CONSULTANCY BILL SUBMITTED BEFORE THE 1ST RESPONDENT ON 23.6.2014.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 23383 of 2014 W

Dated this the 8th day of January, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for the 1st respondent, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner Company is said to have executed certain work for the 1st respondent in slum area of Thuruthi Colony in Division No. 2 and Big Ben MKS Paramb Colony in Division No.4, Fort Kochi as per the agreement executed on 30.09.2011. When the petitioner submitted Ext.P5 final bill showing an amount of ₹ 18,31,804/- as balance due from the 1st respondent to the petitioner for the work done, despite the acceptance of the petitioner's claim, so far the 1st respondent has not paid the amount. Under those circumstances, the petitioner has approached this Court.

In response to the submissions made by the learned counsel for the petitioner, without joining the issue, the learned Standing Counsel for the 1st respondent has fairly submitted that indeed the amounts are due and it is only a matter of time before the 1st respondent could square up the bills.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Standing Counsel, this Court disposes of the writ petition with a direction to the 1st respondent to pay the admitted balance amount in terms of Ext.P5 to the petitioner duly taking into account Ext.P1 agreement, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

