

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 27027 of 2015 (C)

PETITIONER:

**SIBI VACHAPARAMBIL,
PROPRIETOR, M/S. GEMINI AGRI IMPLEMENT,
PULINKUNNU POST, ALAPPUZHA.**

**BY ADVS.SRI.K.L.NARASIMHAN
SRI.A.MOHAMMED FAIZAL
SRI.N.KRISHNA PRASAD**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF SECRETARIAT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR.
DIRECTORATE OF AGRICULTURE, VIKAS BHAVAN
THIRUVANANTHAPURAM - 695 003**
- 3. THE STATE ENGINEER(AGRI)
DIRECTORATE OF AGRICULTURE, VIKAS BHAVAN.
THIRUVANANTHAPURAM - 695 003.**
- 4. THE EXECUTIVE ENGINEER(AGRI),
OFFICE OF THE EXECUTIVE ENGINEER,
SOUTHERN REGION, KALARCODE,
SANTHAPURAM P.O, ALAPPUZHA - 688 001.**

BY GOVERNMENT PLEADER SMST.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 27027 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1 : TRUE COPY OF THE OFFER DATED 11-04-2012 SUBMITTED BY THE
PETITIOENR ALONG WITH THE TENDER SCHEDULE.

EXT.P2 : TRUE COPY OF THE AGREEMENT DATED 11-04-2012.

EXT.P3 : TRUE COPY OF THE AGREEMENT DATED 15-11-2012.

EXT.P4 : TRUE COPY OF THE BANK GUARANTEE DATED 15-11-2012.

EXT.P5 : TRUE COPY OF THE ORDER DATED 31-10-2013.

EXT.P6 : TRUE COPY OF THE LEGAL NOTICE DATED 02-03-2015.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.27027 of 2015

Dated this the 30th day of October, 2015

JUDGMENT

The petitioner has approached this Court with the following reliefs:

- a. To issue a writ of mandamus or any other writ or direction commanding the respondents to pay to the petitioner the retention amounts with proportionate interest as may be deemed fit by this Hon'ble Court from 31.3.2014 till the date of realisation in respect of 15 HP Petty and Para sets supplied by the petitioner as claimed in Ext.P6.
- b. To issue a writ of mandamus or any other writ or direction commanding the respondents to pay to the petitioner the retention amounts with proportionate interest as may be deemed fit by this Hon'ble Court from 30.10.2014 till the date of realisation in respect of 60 HP Petty and Para sets supplied by the petitioner as claimed in Ext.P6.
- c. Issue a writ of mandamus or any other writ or direction commanding the respondents to pay proportionate interest at the rate this Hon'ble High Court deems fit in respect of the belated

payments as against the supply of 60HP Petty and Para sets for the period from 25.3.2014 to 25.11.2014.

- d. To issue a writ of mandamus or other writ or direction commanding the respondents to release to the petitioner the original of the Bank Guarantee dated 15.11.2012.

2. The petitioner has undertaken the work of supply of “Petti” and “Para” sets to drain out excess water from paddy fields in connection with the Kuttanad Package Scheme. Ext.P6 is the grievance raised by the petitioner in relation to the above work. The petitioner confines his prayer for early disposal of Ext.P6 by the first respondent.

This Court is of the view that the petitioner shall make appropriate representation before the Secretary, Agricultural Department, Government of Kerala. If such representation is made, the Secretary, Agricultural Department, Government of Kerala shall consider the same within a period of two months after hearing the petitioner.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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