

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 27954 of 2015 (T)

PETITIONER(S) :

**M/S. MALABAR ASSOCIATES,
CITY GATE, BY PASS JUNCTION, KACHERIPADI,
MANJERI, MALAPPURAM DISTRICT, PIN: 676 121,
REPRESENTED BY ITS MANAGING PARTNER, PAHAMEDKUTTY,
PWD CONTRACTOR, PALLIYALIL HOUSE, VELLILA P.O.,
MANKADA, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SRI.A.SANTHOSHKUMAR
SMT.KAVERY S THAMPI
SMT.ANJANA KANNATH**

RESPONDENT(S) :

- 1. THE CHIEF ENGINEER (P&CW),
OFFICE OF THE CHAIRMAN & MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM- 695 001.**
- 2. THE CHAIRMAN & MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM- 695 001.**
- 3. THE EXECUTIVE ENGINEER,
PWD ROADS DIVISION, MANJERI, MALAPPURAM- 676 121.**

**R1 & R2 BY ADV.SRI.M.GOPIKRISHNAN NAMBIAR, S.C
R3 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 27954 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE COMMUNICATION ISSUED BY
THE 1ST RESPONDENT DATED 08/09/2015.**
- P2: TRUE COPY OF THE REQUEST LETTER SUBMITTED BY THE PETITIONER
DATED 10/09/2015 BEFORE THE 1ST RESPONDENT.**
- P3: TRUE COPY OF THE CERTIFICATE ISSUED BY THE 3RD RESPONDENT.**
- P4: TRUE COPY OF THE JUDGMENT IN W.P(C).NO.17137 OF 2015
DATED 18/06/2015.**
- P5: TRUE COPY OF THE INTERIM ORDER IN W.P(C).NO.32896 OF 2014.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.27954 of 2015

Dated this the 16th day of September, 2015

JUDGMENT

The petitioner is a Company. They are awarded with the work of Bus Terminal by the Kerala State Road Transport Corporation (for short, "KSRTC"). By Ext.P1, the petitioner have to furnish security deposit of Rs.35,24,900/-.

2. The petitioner also have undertaken the work on behalf of the Public Works Department (for short, "PWD"). They submits that more than one crore is due from the PWD. They rely on Ext.P3 certificate issued by the third respondent. They submits that the amount due to the KSRTC may be adjusted from the bill due to them from the PWD.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel.

3. The learned Standing Counsel would submit that the KSRTC have nothing to do with the amount payable by the PWD to the petitioner and the petitioner is liable to deposit the amount as per Ext.P1.

In view of the fact that the PWD and the KSRTC are different entities, it may not be possible for this Court to direct the KSRTC to adjust the amount payable by the PWD to the petitioner. As seen from Ext.P3, the bill of the petitioner is under scrutiny. It is only after the approval and seniority, the amount will be disbursed to the petitioner and it is not proper for this Court to grant any relief to the petitioner.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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