

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 28675 of 2015 (H)

PETITIONER(S):

**VIJU ABRAHAM,
S/O.K.V.ABRAHAM, 6B, SKYLINE BELAIR,
PANAMPILLY NAGAR, KOCHI-36.**

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)**

RESPONDENT(S) :

- 1. THE SUPERINTENDING ENGINEER, PUBLIC WORKS DEPARTMENT,
(BUILDING DIVISION), CENTRAL CIRCLE, TRICHUR-680 021.**
- 2. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, (BUILDING DIVISION),
COLLECTORATE P.O., KOTTAYAM-686 002.**
- 3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, PUBLIC WORKS DEPARTMENT,
SECRETARIAT, TRIVANDRUM-695 001.**

BY SR.GOVERNMENT PLEADER SRI.T.P.SAJID

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1 : TRUE COPY OF THE RELEVANT PAGES OF THE E-TENDER NOTICE INVITING TENDER FOR THE WORK VIZ. CONSTRUCTION OF MEGA OFFICE COMPLEX UNDER TAXES DEPARTMENT, KACHERIPADY, ERNAKULAM.**
- P2 : TRUE COPY OF THE SELECTION NOTICE DATED 18-03-2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.**
- P3 : TRUE COPY OF THE STATEMENT 05-03-2015 ISSUED BY THE EXECUTIVE ENGINEER, BUILDINGS DIVISION, COLLECTORATE P.O., KOTTAYAM.**
- P4 : TRUE COPY OF THE JUDGMENT DATED 09-04-2015 IN W.P.(C).NO.11287/2015 OF THIS HON'BLE COURT.**
- P5 : TRUE COPY OF THE PROCEEDINGS DATED 22-04-2015 ISSUED BY THE 1ST RESPONDENT.**
- P6 : TRUE COPY OF THE CERTIFICATE DATED 15-09-2015 ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT.**
- P7 : TRUE COPY OF THE LETTER DATED 28-07-2015 ISSUED BY THE 2ND RESPONDENT.**
- P8 : TRUE COPY OF THE REPRESENTATION DATED 19-08-2015 FILED BY THE PETITIONER.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.28675 of 2015

Dated this the 23rd day of September, 2015

JUDGMENT

The petitioner has been awarded certain works by the Public Works Department (PWD). The petitioner has been directed to remit security deposit and performance guarantee as per Ext.P2. The petitioner is entitled to certain amount from the PWD as per Ext.P6. This amount would come around more than three crores.

2. It appears that as against certain amount due to the petitioner as per Ext.P6 has been adjusted as covered by Ext.P3. The petitioner submits that the work mentioned in Ext.P3 has been matured.

Therefore, the Authority shall verify whether the work in respect of Ext.P3 has been matured and the petitioner is entitled for the amount. If the work is completed and the petitioner is entitled for the amount, the adjustment already ordered as against the work in Ext.P3 should be ignored for the adjustment for the work in respect of Ext.P2 and shall be adjusted against the amount covered by Ext.P6.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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