

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 28900 of 2015 (J)

PETITIONER(S):

**M/S.UNITED CONSTRUCTION COMPANY,
ENGINEERING CONTRACTORS HAVING OFFICE AT VMC COMPLEX,
WADAKKANCHERY-680 582,
REPRESENTED BY IT'S MANAGING PARTNER V.C.ELIAS,
AGED 79, S/O. V.M.CHACKO, VARAPPATHUKUZHAYIL HOUSE,
KILLIMANGALAM P.O., PIN-680 591.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.R.ARUN KRISHNAN**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF DEVASWOM, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE COCHIN DEVASWOM BOARD,
REPRESENTED BY IT'S SECRETARY,
OFFICE OF THE COCHIN DEVASWOM BOARD, ROUND NORTH,
THRISSUR-680 001.**

**R1 BY GOVERNMENT PLEADER SMT.C.K.SHERIN
R2 BY ADVS. SRI.UNNIKRIISHNAN V.ALAPATT, SC
SRI.KRISHNA MENON, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : A TRUE COPY OF THE TENDER INVITED BY THE 2ND RESPONDENT AND THE TENDER SUBMITTED BY THE PETITIONER DATED NIL.**
- P2 : A TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PETITIONER AND THE 2ND RESPONDENT DTD.28.11.2005.**
- P3 : A TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DTD.30.3.2010.**
- P4 : A TRUE COPY OF THE CERTIFICATE ISSUED BY THE 2ND RESPONDENT DTD.24.9.2008.**
- P5 : A TRUE COPY OF THE COMMUNICATION OF THE 2ND RESPONDENT DTD.9.12.2009.**
- P6 : A TRUE COPY OF THE LETTER ISSUED BY THE THEN EXECUTIVE ENGINEER OF THE 2ND RESPONDENT DTD.14.6.2010.**
- P7 : A TRUE COPY OF THE REPLY GIVEN BY THE PETITIONER TO THE 2ND RESPONDENT DTD.1.7.2010.**
- P8 : A TRUE COPY OF THE ANOTHER COMMUNICATION ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DTD.24.11.2010.**
- P9 : A TRUE COPY OF THE LETTER ADDRESSED BY THE PETITIONER TO THE 2ND RESPONDENT DTD.4.8.2012.**
- P10 : A TRUE COPY OF THE LAWYER NOTICE ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DTD.3.2.2014.**
- P11: A TRUE COPY OF THE ACKNOWLEDGMENT OF EXT.P10, DTD.4.2.2014.**
- P12: A TRUE COPY OF THE FURTHER NOTICE ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DTD.7.7.2014.**
- P13: A TRUE COPY OF THE ACKNOWLEDGMENT OF EXT.P12 DTD.10.7.2014.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 28900 of 2015

Dated this the 27th day of October, 2015

JUDGMENT

The petitioner has undertaken contractual work on behalf of Cochin Devaswom Board. The petitioner approached this Court on account of delay in disbursing the final bill.

2. The learned Standing Counsel submits that the work of the petitioner suffers from defects and the petitioner is liable to cure the defects and on curing defects, the amount will be released to the petitioner.

3. Considering the facts and circumstances, this Court is of the view that the 2nd respondent is directed to intimate the petitioner, regarding the defects existing in the work. Needful shall be done within a period of two weeks. Thereafter, the petitioner shall carry out necessary work to the satisfaction of the 2nd respondent. Based on

the above, the amount shall be released to the petitioner without any delay. It is made clear that if there is any further dispute, the petitioner is free to approach Civil Court for seeking appropriate relief in the matter of releasing the amount based on the contract.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr