

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936**

**WP(C).No. 29774 of 2014 (V)**  
-----

**PETITIONER:**  
-----

**K.C.ELDHO, AGED 62 YEARS,  
S/O CHERIAN, KALLUVILAYIL HOUSE,  
PUTHUR.P.O, THRISSUR DISTRICT.**

**BY ADV. SRI.T.H.ABDUL AZEEZ**

**RESPONDENT(S):**  
-----

- 1. THE DEPUTY CHIEF ENGINEER,  
TRANSMISSION CIRCLE,  
KERALA STATE ELECTRICITY BOARD,  
THRISSUR-680001.**
- 2. THE KERALA STATE ELECTRICITY BOARD,  
REPRESENTED BY ITS SECRETARY,  
VYDHYUDHI BHAVAN, PATTOM,  
THIRUVANANTHAPURAM-695001.**

**R1 & 2 BY SRI.T.R.RAJAN,SC  
BY SRI.SAJEEVKUMAR K.GOPAL,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**mbr/**

**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
-----

**EXT.P1 : TRUE COPY OF THE CONTRACT-CERTIFICATE -FIRST AND FINAL  
BILL ISSUED TO THE PETITIONER.**

**RESPONDENT(S)' EXHIBITS:**  
-----

**EXT. R1(A) : TRUE COPY OF THE AGREEMENT DATED 17.1.2014 EXECUTED  
BETWEEN THE ASSISTANT EXECUTIVE ENGINEER, LINE  
MAINTENANCE SUB DIVISION, CHALAKUDY ACTING FOR AND ON  
BEHALF OF the KSEB LTD.**

**EXT. R1(B) : TRUE COPY OF THE RELEVANT PAGE OF THE GENERAL CONDITIONS  
OF CONTRACT.**

**EXT. R1(C) : TRUE COPY OF THE COMMUNICATION DATED 18.6.2014 OF THE RCA  
SUPERINTENDENT TO THE FIRST RESPONDENT.**

**EXT. R1(D) : TRUE COPY OF THE PRE-CHECK NOTE DATED 3.7.2014 OF THE RCA  
OFFICER.**

**EXT. R1(E) : TRUE COPY OF THE COMMUNICATION DATED 31.10.2014 OF THE  
FIRST RESPONDENT TO THE CHIEF ENGINEER(TRANSMISSION  
NORTH).**

**EXT. R1(F) : TRUE COPY OF THE COMMUNICATION DATED 30.9.2014 OF THE  
FIRST RESPONDENT TO THE CHIEF ENGINEER(TRANSMISSION  
NORTH).**

**EXT. R1(G) : TRUE COPY OF THE COMMUNICATION DATED 2.7.2014 OF THE  
FIRST RESPONDENT TO THE RCA OFFICER.**

**EXT. R1(H) : TRUE COPY OF THE BOARD ORDER DATED 30.3.2012.**

**/TRUE COPY/**

**P.A. TO JUDGE**

**mbr/**

**P.R. RAMACHANDRA MENON, J.**

=====

W.P.(C). No. 29774 of 2014

-----

Dated this the 12<sup>th</sup> day of January, 2015

**JUDGMENT**

The petitioner who is a contractor was entrusted with the work to be carried out on behalf of the respondents. It is stated that the work was completed by the petitioner to the satisfaction of the agreement authority and Ext.P1 final bill was submitted as early as on 07.06.2014. The delay in disbursing the said amount and also the security deposit of ₹48,400/- made the petitioner to approach this Court by filing this writ petition.

2. A counter affidavit has been filed by the respondents pointing out the procedural formalities to be completed to disburse the amount due to the petitioner. The version as put forth in paragraphs 7 and 8 is in the following terms:

"7. It is submitted that the KSEB Ltd being a public sector undertaking, before releasing payment to the contract the claim of the contract preferred vide CC Bill need be audited by the technical branch and accounts branch of the office of the first respondent and the pre-check audit team of the KSEB Ltd. These facts are mentioned in the General Conditions of Contract which was accepted by the petitioner. A true copy of the agreement

dated 17/1/2014 executed between the Assistant Executive Engineer, Line Maintenance Sub Division, Chalakudy acting for and on behalf of the KSEB Ltd is produced herewith and marked as **Exhibit R1(a)**. A true copy of the relevant page of the General Conditions of Contract is produced herewith and marked as **Exhibit R1(b)**. The audit by the office of the first respondent and the pre-check team were completed on 7/10/2014 and 16/10/2014 respectively. The pre-check officer had pointed out that the work under item no 1 of the agreement schedule is approved for the construction of Transmission lines as per Transmission data 2012 and is not applicable or admissible for works of maintenance of transmission lines. According to him an additional financial commitment of Rs.7,50,286/- has been incurred to the Kerala State Electricity Board and pre checked the Bill with remarks that the additional financial commitment shall be got approved by the Board before effecting payment to the contractor. A true copy of the communication dated 18/6/2014 of the RCA Superintendent to the first respondent is produced herewith and marked as **Exhibit R1(c)**. A true copy of the pre-check note dated 3/7/2014 of the RCA officer is produced herewith and marked as **Exhibit R1(d)**.

8. Accordingly sanction was requested by the first respondent by the communication dated 31/10/2014 to the Chief Engineer (Transmission North) who was the estimate sanction authority to obtain sanction from the Board. A true copy of the communication dated 31/10/2014 of the first respondent to the Chief Engineer (Transmission North), is produced herewith and marked as **Exhibit R1(e)**. A true copy of the communication dated 30/9/2014 of the first respondent to the Chief Engineer (Transmission North) is

produced herewith and marked as **Exhibit R1(f)**. A true copy of the communication dated 2/7/2014 of the first respondent to the RCA officer is produced herewith and marked as **Exhibit R1(g)**. A true copy of the Board order dated 30.3.2012 is produced herewith and marked as **Exhibit R(1)(h).**"

3. Heard both the sides.

4. After considering the pleadings and proceedings and also the stand taken by the respondents, this Court finds that the matter has to be finalized by the 2<sup>nd</sup> respondent within a reasonable time. In the said circumstance, there will be a direction to the 2<sup>nd</sup> respondent to cause the proceedings to be finalized in connection with the work pertaining to Ext.P1 bill and disburse the due amount to the petitioner including the security deposit as mentioned above, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps. The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,  
JUDGE.**