

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

WP(C).No. 30800 of 2015 (Y)

PETITIONER(S) :

**M/S.SABARI ENTERPRISES,
SARANYA COMPLEX, ORIPURAM, CHENNITHALA P.O.,
MAVELIKKARA, ALAPPUZHA, REPRESENTED BY ITS PARTNER,
K.VIJAYHAKUMAR.**

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

RESPONDENT(S) :

- 1. THE SUPERINTENDING ENGINEER,
PUBLIC WORKS DEPARTMENT, BUILDINGS SOUTH CIRCLE,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, SPECIAL BUILDINGS DIVISION,
PUBLIC OFFICE BUILDING, THIRUVANANTHAPURAM- 695 033.**
- 3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, PUBLIC WORKS
DEPARTMENT, SECRETARIAT, TRIVANDRUM- 695 001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE TENDER SCHEDULE ISSUED BY
THE 1ST RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF SELECTION NOTICE DATED 03.10.2015 ISSUED BY
THE 1ST RESPONDENT TO THE PETITIONER.**

**EXHIBIT P3: TRUE COPY OF THE STATEMENT DATED 05.10.2015 ISSUED BY
THE 2ND RESPONDENT.**

**EXHIBIT P4: TRUE COPY OF THE REQUEST MADE BY THE PETITIONER
DATED 07.10.2015.**

**EXHIBIT P5: TRUE COPY OF ORDER DATED 17.11.2014 ISSUED BY
THE 1ST RESPONDENT.**

**EXHIBIT P6: TRUE COPY OF JUDGMENT DATED 13.02.2015 PASSED BY
THIS HON'BLE COURT IN W.P(C).NO.4224/2015.**

**EXHIBIT P7: TRUE COPY OF JUDGMENT DATED 18.02.2015 PASSED BY
THIS HON'BLE COURT IN W.P(C).NO.4753/2015.**

**EXHIBIT P8: TRUE COPY OF JUDGMENT DATED 09.04.2015 PASSED BY
THIS HON'BLE COURT IN W.P(C).NO.11287/2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P(C).No.30800 of 2015

Dated this the 9th October,2015

JUDGMENT

The petitioner is a registered contractor. He has been awarded with a work and Exhibit P2 selection notice dated 3.10.2015 was issued to him. As pr Exhibit P2, the petitioner has to deposit ₹16,97,000/-. Learned counsel for the petitioner submits that about ₹73,00,000/- is due to the petitioner for the work executed by him as per Exhibit P3.

2. In the above view of the matter, this Court is of the view that the amount payable by the petitioner as per Exhibit P2 shall be adjusted towards the amount due as per Exhibit P3.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs9/10/15