

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 32420 of 2015 (B)

PETITIONER :

**M/S.DORA INFRASTRUCTURE & PROPERTIES (P) LTD.,
KARIMKUTTIYIL BUILDINGS, NELICKAMON P.O., RANNI,
PATHANAMTHITTA, REPRESENTED BY DIRECTOR,
SHIBU SAMUEL.**

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
PUBLIC WORKS DEPARTMENT,
THIRUVANANTHAPURAM -695 001.**
- 2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
FINANCE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM -695 001.**
- 3. THE CHIEF ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT,
THIRUVANANTHAPURAM -695 001**
- 4. THE SUPERINTENDING ENGINEER,
PWD BUILDINGS, SOUTH CIRLCE,
THIRUVANANTHAPURAM -695 001**
- 5. THE DIRECTORATE OF SOCIAL JUSTICE DEPARTMENT,
REPRESENTED BY THE DIRECTOR, VIKAS BHAVAN,
THIRUVANANTHAPURAM- 695 033**
- 6. ANGADI GRAMA PANCHAYAT,
ANGADI P.O., PATHANAMTHITTA-689 674,
REPRESENTED BY ITS SECRETARY.**
- 7. THE EXECUTIVE ENIGNEER,
PWD BUILDINGS DIVISION,
PATHANAMTHITTA-689 645.**

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**8. THE DEPUTY GENERAL MANAGER,
NABARD, KERALA REGIONAL OFFICE, PUNNAN ROAD,
STATUE, THIRUVANANTHAPURAM -695 039**

**R1 TO R5,R7 BY GOVERNMENT PLEADER SRI.GIKKU JACOB
R8 BY ADV. SRI.K.P.SUJESH KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1. TRUE COPY OF THE GOVERNMENT ORDER NO.130/2014/SJD DATED 19/2/2014.
- EXT. P2. TRUE COPY OF THE GOVERNMENT ORDER DATED 21/2/2014.
- EXT. P3. TRUE COPY OF THE TECHNICAL SANCTION NO.D1-125/14(A) DATED 5/12/2014 FOR THE WORK OF ANGANWADI BEARNING NO.28.
- EXT. P4. TRUE COPY OF THE TECHNICAL SANCTION FOR THE ANGANWADI NO.29 DATED 5/12/2014.
- EXT. P5. TRUE COPY OF THE QUOTATION NOTICE DATED 1/1/2015 IN RESPECT OF ANGANVADI NO.28.
- EXT. P6. TRUE COPY OF THE QUOTATION NOTICE DATED 1/1/2015 IN RESPECT OF ANGANVADI NO.29
- EXT. P7. TRUE COPY OF THE INTIMATION DATED 23/1/2015 SENT BY THE 7TH RESPONDENT
- EXT. P8. TRUE COPY OF THE INTIMATION DATED 12/1/2015 SENT BY THE 7TH RESPONDENT
- EXT. P9. TRUE COPY OF THE SELECTION NOTICE DATED 30/1/2015 IN RESPECT OF ANGANVADI NO.28.
- EXT. P10. TRUE COPY OF THE SELECTION NOTICE DATED 30/1/2015 IN RESPECT OF ANGANVADI NO.29
- EXT. P11. TRUE COPY OF THE RELEVANT PAGES OF AGREEMENT DATED 5/2/2015 EXECUTED IN RESPECT OF ANGANVADI NO.28
- EXT. P12. TRUE COPY OF THE RELEVANT PAGES OF AGREEMENT DATED 5/2/2015 EXECUTED IN RESPECT OF ANGANVADI NO.29
- EXT. P13. TRUE COPY OF THE KPW FORM NO.23 WITH RUNNING ACCOUNT BILLS AND OTHER DETAILS IN RESPECT OF ANGANVADI
- EXT. P14. TRUE COPY OF THE KPW FORM NO.23 WITH RUNNING ACCOUNT BILLS AND OTHER DETAILS IN RESPECT OF ANGANVADI
- EXT. P15. TRUE COPY OF THE PROGRESS REPORT IIN RESPECT OF ANGANVADI NO.28.

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EXT. P16. TRUE COPY OF THE PROGRESS REPORT IN RESPECT OF
ANGANVADI NO.29

EXT. P17. TRUE COPY OF THE REPRESENTATION DATED 3/10/2015 SUBMITTED
BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 32420 of 2015

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Dated this the 16th day of December, 2015

J U D G M E N T

This writ petition is filed seeking a direction to pay the contract bill due to the petitioner for the work undertaken by him in respect of the Anganwadi Nos. 28 and 29 in Angady Grama Panchayat, Pathanamthitta District. The Government by Ext.P2 Government order accorded administrative sanction to construction of 506 Anganwadies in the State utilising assistance of NABARD. The Government will provide 7 lakhs and any excess amount incurred for construction, the local Panchayat has to bear the cost. The petitioner has undertaken the work as engaged by the Panchayat.

2. In the statement filed on behalf of the 2nd respondent it is stated as follows:

“The aforesaid facts clearly shows that the works related to 506 Anganwadies in the whole State of Kerala is a deposit work at the rate of Rs.7 lakhs for each Anganwadi and thus the 3rd respondent being the Controlling Officer of the Head of Account is liable to pay of sum of Rs.14 lakhs to the petitioner on account of the 2

Anganwadies constructed within the jurisdiction of the 6th respondent Panchayath and the balance amount claimed by the petitioner in the above Writ Petition is to be met by the 6th respondent Panchyath."

The cost of the each Anganwadies as follows:

Anganwadi No.28 : 8,47,586/-

Anganwadi No.29 : 8,46,870/-

3. Therefore over and above 7 lakhs the Panchayath has to bear the amount. In the light of statement filed by the 2nd respondent the following directions are issued. There shall be a direction to the 3rd respondent to disburse 7 lakhs to the petitioner. This shall be done within one month from the date of receipt of the copy of this judgment. There shall be a direction to the 6th respondent to release the balance amount within a period of three months from the date of receipt of the copy of this judgment.

The writ petition is disposed of, as above.

Sd/-

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A.MUHAMED MUSTAQUE, JUDGE