

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C).No. 36321 of 2015 (M)

PETITIONER :

**ROJER MATHEW & CO.,
G-203, PURAPPADATHIL, PANAMPILLY NAGAR
KOCHI - 36, ERNAKULAM
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
ROJER MATHEW.**

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

RESPONDENT(S) :

- 1. THE SUPERINTENDING ENGINEER
PUBLIC WORKS DEPARTMENT, (BUILDING DIVISION)
SOUTH CIRCLE, TRIVANDRUM - 695 001.**
- 2. THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT, (BUILDINGS DIVISION)
2ND FLOOR, MINI CIVIL STATION, PATHANAMTHITTA-689 645.**
- 3. STATE OF KERALA
REPRESENTED BY THE SECRETARY,
PUBLIC WORKS DEPARTMENT
SECRETARIAT, TRIVANDRUM - 695 001.**

R1 TO R3 BY GOVT. PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

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WP(C).No. 36321 of 2015 (M)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P-1: TRUE COPY OF THE SELECTION NOTICE DATED 16.9.2014 FROM THE
OFFICE OF THE 1ST RESPONDENT.**
- EXT.P-2: TRUE COPY OF THE RELEVANT PAGES OF TREASURY BANK SAVINGS
PASS BOOK.**
- EXT.P-3: TRUE COPY OF THE RELEVANT PAGES OF AGREEMENT DATED
30.9.2014 EXECUTED BETWEEN THE PARTIES.**
- EXT.P-4: TRUE COPY OF THE CERTIFICATE DATED 20.11.2015 ISSUED FROM
THE OFFICE OF THE 2ND RESPONDENT.**
- EXT.P-5: TRUE COPY OF THE ORDER DATED 17.11.2014 ISSUED BY THE
SUPERINTENDING ENGINEER.**
- EXT.P-6: TRUE COPY OF THE JUDGEMENT IN WP(C) NO.4224/2015 OF THIS
HON'BLE COURT.**
- EXT.P-7: TRUE COPY OF THE JUDGEMENT IN WP(C) NO.4753/2015 OF THIS
HON'BLE COURT.**
- EXT.P-8: TRUE COPY OF THE JUDGEMENT IN WP(C) NO.11287/2015 OF THIS
HON'BLE COURT.**
- EXT.P-9: TRUE COPY OF THE REQUEST DATED 28.10.2015 MADE BY THE
PETITIONER BEFORE THE RESPONDENTS.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.36321 of 2015

Dated this the 11th day of December, 2015

JUDGMENT

The petitioner awarded a work of construction of a building for Pilgrim Centre at Ittiyapara, Ranni. The petitioner has furnished security deposit of Rs.1,71,81,200/-. Out of which 25% was in the form of security amount in Treasury deposit and the balance amount by way of bank guarantee. The petitioner points out that he is entitled for more than four crores from the Department for different works. Ext.P4 would show that the Department has liability to the petitioner to the tune of more than one crore. The petitioner seeks adjustment of the amount paid by him towards 25% in the form of treasury deposit from the amount due to him as per Ext.P4.

In such circumstances, this Court is of the view that considering similar orders, security deposit in the form of

treasury deposit shall be released to the petitioner after adjusting the same from the amount due to him as per Ext.P4. Necessary release orders shall be passed within a period of two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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