IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 2218 OF 2024

PETITIONER:

K.M.C.CONSTRUCTIONS LTD
DOOR NO.1-80/40/SP/58-65, SHILPA HOMES, LAY OUT, GACHIBOWLI, HYDERABAD , REPRESENTED BY AUTHORISED SIGNATORY ARUN VASANA PERUMAL, PIN - 500032
BY ADV M.PROMODH KUMAR

RESPONDENTS:

1 PROJECT DIRECTOR
PROJECT MANAGEMENT TEAM, KERALA STATE TRANSPORT PROJECT, KESTON ROAD, KOWDIAR P.O.,
PUBLIC WORKS DEPARTMENT, TRIVANDRUM, PIN - 695003

2 CHIEF ENGINEER PROJECTS
KERALA STATE TRANSPORT PROJECT, KESTON ROAD, KOWDIAR PO, PUBLIC WORKS DEPARTMENT,
TRIVANDRUM, PIN - 695003

3 SECRETARY
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT,
TRIVANDRUM, PIN - 695003

SRI. SUNIL K.KURIAKOSE, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Though the petitioner seeks that the respondents be directed to pay certain amounts covered by Ext.P2 work and as is evident from Exts.P4 to P7 and P8, today when this matter was called their learned counsel - Sri.M.Promodh Kumar, confined his plea that the 1st respondent be directed to take up and decide Ext.P10 application - made by his client seeking extension of time; thus leading to an appropriate order being issued within a time frame to be fixed by this Court.

2. Learned Government Pleader - Sri.Sunil Kumar Kuriakose, in response, submitted that there is no legal impediment in Ext.P10 being taken up and disposed of by the 1st respondent; but prayed that this Court may not make any affirmative declarations on their entitlement to any relief and leave it to be decided by the competent Authority, in terms of law. He, however, added that the entitlement of the petitioner to the reliefs sought will depend upon the assessment of the work and the objections, if any, against it.

Taking note of the afore submissions, I allow this writ petition and direct the 1st respondent to take up Ext.P10 application of the petitioner and dispose of the same, after affording them an opportunity of being heard; thus culminating in an appropriate order and necessary action

thereon, as expeditiously as is possible, but not later than three weeks from the date of receipt of a copy of this judgment.

Needless to say, if any amounts are admitted from Exts.P4 to P7, same shall be paid to the petitioner within a period of two months from the date of receipt of a copy of this judgment; and if it is not, then the reasons for same shall be reflected in the resultant order.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

MC/19.1

APPENDIX OF WP(C) 2218/2024

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE LETTER OF ACCEPTANCE ISSUED BY THE 1ST RESPONDENT, DATED 07-09-2020
Exhibit P2	TRUE COPY OF THE RELEVANT PAGES OF CONDITIONS OF AGREEMENT TO BETWEEN THE PETITIONER AND 1ST RESPONDENT, DATED 07-10-2020
Exhibit P3	TRUE COPY OF THE LETTER OF THE2ND RESPONDENT
Exhibit P4	TRUE COPY OF THE IPC NO.11 CERTIFIED BY THE ENGINEER
Exhibit P5	TRUE COPY OF I.P.C 13 CERTIFIED BY THE ENGINEER
Exhibit P6	TRUE COPY OF IPC NO.14
Exhibit P7	TRUE COPY OF THE LETTER SUBMITTED IN THE MONTH OF MAY 2023 WHICH IS NEITHER CERTIFIED NOR PAID WHICH COVERS AND AMOUNT OF RS.5.7 CRORES
Exhibit P8	TRUE COPY OF THE LETTER DATED 08-01-2024 ISSUED BY THE 1ST RESPONDENT
Exhibit P9	TRUE COPY OF SOME OF THE LETTERS ISSUED BY THE PETITIONER IN THIS REGARD
Exhibit P10	TRUE COPY OF THE APPLICATION OF THE PETITIONER DATED 19-12-2023