IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 30TH DAY OF JULY 2024 / 8TH SRAVANA, 1946

WP(C) NO. 22950 OF 2024

PETITIONER:

**REENA ENGINEERS AND CONTRACTORS PVT. LTD.
REPRESENTED BY ITS MANAGING DIRECTOR/AUTHORISED SIGNATORY
K.C.JAMES, 602, SHIV TOWER, PATTO PLAZA, PANAJI, GOA., PIN - 403001**

**BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD**

RESPONDENTS:

1. **KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
OBSERVATORY HILLS, VELLAYAMBALAM, THIRUVANANTHAPURAM., PIN - 695010**
2. **THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER KERALA WATER AUTHORITY, P.H CIRCLE (KANNUR) THANA, KANNUR., PIN - 670012**
3. **THE EXECUTIVE ENGINEER
OFFICE OF THE EXECUTIVE ENGINEER, KERALA WATER AUTHORITY, PROJECT DIVISION, MATTANNUR., PIN - 670702**

BY ADV. SRI. P.M. JOHNY, SC FOR KWA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of July, 2024

The petitioner, a works contractor, has filed this writ petition seeking permission to substitute Ext.P3 Treasury Deposit with Ext.P6 bill.

2. When this matter was taken up for consideration, learned Standing Counsel for the Water Authority submitted that the request can be considered if a proper application, along with requisite documents is submitted.

In the light of the above submission, as also Ext.P11 judgment rendered under similar circumstances, the writ petition is disposed of, directing the 2nd respondent to permit the petitioner to substitute the Treasury Deposit submitted towards performance guarantee for Ext.P2 agreement with Ext.P6 bill, subject to the petitioner making a proper request in that regard. If such request is made within

one week, the needful shall be done by the 2nd respondent within a further period of two weeks.

Sd/-

V.G.ARUN

JUDGE

NB/30-7

APPENDIX OF WP(C) 22950/2024

PETITIONER EXHIBITS

EXHIBIT P1	**A TRUE COPY OF THE LETTER OF ACCEPTANCE (LOA) DATED 19.05.2023, OF THE SECOND RESPONDENT**
EXHIBIT P2	**A TRUE COPY OF THE AGREEMENT NO. 42/2023-24/SE/ PHC/KNR DATED MAY 31, 2023, BETWEEN THE PETITIONER AND THE SECOND RESPONDENT**
EXHIBIT P3	**A TRUE COPY OF THE TREASURY FIXED DEPOSIT RECEIPT NO. JL 1459647 DATED MAY 30, 2023, ISSUED FROM THE DISTRICT TREASURY IN KANNUR (FOR RS. 1,14,66,000/-)**
EXHIBIT P4	**A TRUE COPY OF THE LETTER OF ACCEPTANCE DATED AUGUST 8, 2023 OF THE SECOND RESPONDENT**
EXHIBIT P5	**A TRUE COPY OF THE AGREEMENT NO. 100/2023-24/SE/KNR BETWEEN THE PETITIONER AND SECOND RESPONDENT DATED 4.09.2023**
EXHIBIT P6	**A TRUE COPY OF THE DULY CERTIFIED CB3 VOUCHER PERTAINING TO CC 2ND & PART BILL OF EXT. P4 WORK DATED 19.04.2024**
EXHIBIT P7	**A TRUE COPY OF THE CIRCULAR NO. KWA/PHC/TSR/D1-1763/2020 (VOL-II) DATED AUGUST 3, 2022**
EXHIBIT P8	**A TRUE COPY OF THE G.O. (RT) NO. 5989/2020/FIN. DATED OCTOBER 16, 2020**
EXHIBIT P9	**A TRUE COPY OF THE LETTER NO. REC/103/2024-25 DATED 17.06. 2024 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT**
EXHIBIT P10	**A TRUE COPY OF THE ORDER NO. JB/5408/2023-F1(FUNDS) DATED 06.01.2024 ISSUED BY THE SECOND RESPONDENT**
EXHIBIT P11	**A TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 31.5.2024 IN W.P.(C) NO. 18790 OF 2024**
EXHIBIT P12	**TRUE COPY OF THE NOTICE DATED 1.7.2024 UNDER SECTION 13(2) READ WITH SECTION 13(3) OF THE SARFAESI**

RESPONDENTS’ EXHIBITS: NIL

TRUE COPY

P.A. TO JUDGE