

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE SHAJI P.CHALY**

**WEDNESDAY, THE 30TH DAY OF NOVEMBER 2016/9TH AGRAHAYANA, 1938**

**WP(C).No. 37350 of 2016 (P)**  
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**PETITIONER(S)/PETITIONER:**  
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**COCHIN STEEL INDUSTRIAL COMPLEX  
REPRESENTED BY ITS PROPRIETOR,  
M.M.VARGHESE,AGED 68 YEARS,S/O.M.V.MATHAI,  
RESIDING AT MUTTAVANCHERRY HOUSE,  
THAMARACHAL,  
KIZHAKKAMBALAM.P.O,ALUVA-683562.**

**BY ADVS.SMT.TESSY JOSE  
SRI.JOHN CHERIAN**

**RESPONDENT(S)/RESPONDENTS:**  
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- 1. KERALA WATER AUTHORITY,  
REPRESENTED BY THE MANAGING DIRECTOR,JALABHAVAN,  
VELLAYAMBALAM,THIRUVANANTHAPURAM PO,  
THIRUVANANTHAPURAM DISTRICT.-695010**
- 2. THE SUPERINTENDING ENGINEER,  
P.H.CIRCLE,KERALA WATER AUTHORITY,MALAPPURAM-676505.**
- 3. THE EXECUTIVE ENGINEER,  
KERALA WATER AUTHORITY,PROJECT DIVISION,  
MALAPPURAM,PIN-676505.**

**BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
30-11-2016, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**WP(C).No. 37350 of 2016 (P)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT P1    TRUE COPY OF THE AGREEMENT NO.SE/PHC/KKD/58/2013-14 DATED  
21.03.2014 BETWEEN THE PETITIONER AND 2ND RESPONDENT)**

**EXHIBIT P2    TRUE COPY OF THE WORK COMPLETION CERTIFICATE DT.23.05.2016  
ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**

**EXHIBIT P3    TRUE COPY OF THE DEMAND NOTICE DT.8.6.2015 MADE BY THE  
PETITIONER TO 3RD RESPONDENT**

**EXHIBIT P4    TRUE COPY OF REQUEST DATED 6.8.2015 SENT BY THE PETITIONER  
TO THE 3RD RESPONDENT**

**EXHIBIT P5    TRUE COPY OF THE REQUEST OF THE PETITIONER TO THE 1ST  
RESPONDENT DATED 20.10.2015.**

**RESPONDENT(S)' EXHIBITS:            NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**dlk**

**SHAJI P. CHALY, J.**

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W.P.(C) No.37350 of 2016  
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Dated this the 30<sup>th</sup> day of November, 2016

**JUDGMENT**

Petitioner is an "A" Class Government contractor. Petitioner has undertaken and completed the work in respect of 'NABARD Assisted Water Supply Scheme to Cheekode and 7 adjoining villages - providing balance distribution network-Phase 1 (Package 1)". The tender was accepted and an agreement was entered on 21.3.2014 with the second respondent. The work was completed by the petitioner in accordance with the stipulations contained under the agreement to the satisfaction of the respondent on 23.5.2016. Though the water authority has issued Ext.P2 completion certificate dated 23.5.2016, no action was initiated to pay the outstanding amounts due to the petitioner. In that regard petitioner on various occasions have submitted Exts.P3 to P5. However, in spite of all these efforts, respondent has not taken any action to consider the demands made by the petitioner. These are the background

facts persuaded the petitioner to approach this Court by filing this writ petition.

2. Heard learned counsel for the petitioner, learned Standing Counsel for the respondent and perused the documents on record and pleading put forth.

3. Since Exts.P3 to P5 are pending consideration before the respondents, there will be a direction to the respondents to take on board the demands made by the petitioner and if there are no dispute with respect to the bills raised by the petitioner, the same shall be released within a period of two months from the date of receipt of a copy of this judgment.

4. The respondents will be at liberty to pay the amounts due to the petitioner in instalments, however, within the said outer limit fixed above.

Writ petition is disposed of accordingly.

Sd/-

**SHAJI P. CHALY, JUDGE**

dlk/30/11/