

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 28TH DAY OF APRIL 2017/8TH VAISAKHA, 1939

WP(C).No. 11978 of 2017 (V)

PETITIONER:

NISHA ENGINEERING COMPANY
ELECTRICAL ENGINEERS & 'A' GRADE CONTRACTORS,
INFANT JESUS BUILDING, BANERJI ROAD,
COCHIN-31
A PARTNERSHIP FIRM REP. BY ITS MANAGING PARTNER
MRS. SUMITHA SUDHAKARAN, AGED 42 YEARS,W/O M.P.PRADEEP

BY ADV. SRI.GIGIMON ISSAC

RESPONDENTS:

1. BHARAT SANCHAR NIGAM LIMITED
OFFICE OF THE CHIEF ENGINEER (E) BSNL
ELECTRICAL ZONE, TRIVANDRUM- 695 009
REP. BY ITS SUPERINTENDING ENGINEER (E)
2. BHARAT SANCHAR NIGAM LIMITED
OFFICE OF THE CHIEF ENGINEER (C) BSNL,
CIVIL WING, TRIVANDRUM - 695 009
REP. BY ITS JOINT CHIEF ENGINEER (C)
3. BHARAT SANCHAR NIGAM LIMITED
OFFICE OF THE EXECUTIVE ENGINEER (E) BSNL,
ELECTRICAL DIVISION, 4TH FLOOR, CTO BUILDING,
KARAKKATTU ROAD, ERNAKULAM- 682 036
REP. BY ITS EXECUTIVE ENGINEER(E)
4. KERALA UNIVERSITY OF FISHERIES & OCEAN STUDIES
PANANGAD P.O. KOCHI- 682 506
REP. BY ITS AUTHORISED OFFICER(DEPARTMENT OF FINANCE)

R1 TO R3 BY SRI.MATHEWS K.PHILIP,SC, BSNL
R4 BY SRI.VIPIN DAS T.K., SC, KERALA UNIVERSITY OF
FISHERIES & OCEAN STUDIES

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-04-2017, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBITP1 TRUE COPY OF THE COVERING LETTER DATED 19-10-2015 WITH THE WORK SCHEDULE QUOTING RESPECTIVE RATES FOR EACH ITEMS SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT SUPERINTENDING ENGINEER (E)

EXHIBITP2 TRUE COPY OF THE COMMUNICATION DATED 20-11-2015 RECOMMENDING PETITIONER FIRM FOR AWARDDING TENDER BY THE 1ST RESPONDENT SUPERINTENDING ENGINEER (E)

EXHIBITP3 TRUE COPY O THE WORK ORDER DATED 26-11-2015 ISSUED FROM THE OFFICE OF THE 3RD RESPONDENT EXECUTIVE ENGINEER (E) IN FAVOUR OF THE PETITIONE FIRM

EXHIBIT P4 TRUE COPY OF THE RELEVANT PART BILL SUBMITTED BY THE PETITIONER FIRM ON 30-12-2016 BEFORE THE 3RD RESPONDENT EXECUTIVE ENGINEER (E) WITH NECESSARY KVAT INVOICE

EXHIBIT P5 TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER FIRM UNDER THE RIGHT TO INFORMATION ACT BEFORE THE 1ST RESPONDENT CHIEF ENGINEER (E) DATED 01-03-2017

EXHIBIT P6 TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER FIRM UNDER THE RIGHT TO INFORMATION ACT BEFORE THE 2ND RESPONDENT BSNL (CIVIL WING) DATED 01-03-2017

EXHIBIT P7 TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER FIRM UNDER THE RIGHT TO INFORAMATION ACT BEFORE THE 4TH RESPOONDENT KUFOS DATED 01-03-2017

EXHIBIT P8 TRUE COPY OF THE REPLY ISSUED FROM THE OFFICE OF 2ND RESPONDENT BSNL(CIVIL WING) DATED 13-03-2017

EXHIBIT P9 TRUE COPY OF THE COMMUNICATION SENDS BY THE PETITIONER FIRM DATED 24-03-2017 TO THE 2ND RESPONDENT BSNL(CIVIL WING) IN RESPONSE TO EXHIBIT P8

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

SHAJI P.CHALY, J.

W.P.(C) No. 11978 of 2017

Dated this the 28th day of April, 2017

J U D G M E N T

The petitioner is an approved contractor of BSNL who has entered into an electrical work contract of the 4th respondent through the second respondent on the basis of a tender. The work undertaken by the petitioner is going on and in the interim, Ext.P4 bill was raised. According to the petitioner, in spite of earnest efforts of the petitioner, the same is not released. These are the background facts projected in this writ petition to secure the reliefs sought for.

2. Having heard the learned counsel for the petitioner and the respective standing counsel appearing for the respondents, there will be a direction to respondents 1 to 3 to release the bill pertaining to Ext.P4 within two weeks from the date of receipt of a copy of this judgment. I have directed so since the learned standing counsel for the BSNL has informed that already amounts are received from the 4th

respondent and some time is required to process Ext.P4 bill.

The writ petition is disposed of accordingly.

Sd/-
SHAJI P.CHALY
JUDGE

ds 28.04.2017