

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 31ST DAY OF AUGUST 2021 / 9TH BHADRA, 1943

WP(C) NO. 17181 OF 2021

PETITIONER:

MOHAMMED ALI, AGED 62 YEARS
PULLIYIL MADASSERI HOUSE, MELMURI P.O,
MALAPPURAM 676 517

BY ADV P.SHANES METHAR

RESPONDENTS:

- 1 STATE OF KERALA
REP.BY ITS SECRETARY, DEPARTMENT OF PORTS AND
FISHERIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 005
- 2 THE CHIEF ENGINEER
HARBOUR ENGINEERING DEPARTMENT, KAMALESHWARAM,
MANACAUD P.O., THIRUVANANTHAPURAM 695 009
- 3 THE SUPERINTENDING ENGINEER
HARBOUR ENGINEERING DEPARTMENT (NORTH CIRCLE),
PUTHIYANIRATHU, ELATHUR P.O., KOZHIKODE 673 303

BY SMT. PRINCY XAVIER, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 31.08.2021, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

W.P.(C) No.17181 of 2021
-----**JUDGMENT**

Petitioner is executing a work of the Harbour Engineering Department of the State Government. It is stated by the petitioner that he has completed a substantial portion of the work and he will be completing the remaining part of the work soon. The grievance voiced by the petitioner in the writ petition concerns the delay on the part of the second respondent in approving the revised estimate of the work prepared by the department during the course of execution of the work. It is alleged by the petitioner that on account of the inaction on the part of the second respondent in approving the revised estimate prepared for the work, he is unable to get the payments due to him for the executed portion of the work. The petitioner, therefore, seeks appropriate directions in this regard in the writ petition.

2. Heard the learned counsel for the petitioner as also the learned Government Pleader.

3. The materials on record indicate that the request of the department for approval of the revised estimate of the work is pending consideration before the second respondent.

In the circumstances, the writ petition is disposed of directing the second respondent to take a final decision on the request of the department for approval of the revised estimate of the work referred to in the writ petition, if the same is otherwise in order, within two weeks. The petitioner shall produce a copy of this judgment for compliance before the second respondent.

Sd/-
P.B.SURESH KUMAR, JUDGE.

ds 31.08.2021

APPENDIX OF WP(C) 17181/2021

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE RELEVANT PAGES OF THE WORKS AGREEMENT NO.H.E.D. (N.C.) / 79/2018-2019 DATED 4.1.2019
Exhibit P2	TRUE COPY OF THE LETTER DATED 7.3.2019 SUBMITTED BY THE PETITIONER
Exhibit P2 (A)	TRUE COPY OF THE LETTER DATED 15.6.2019 SUBMITTED BY THE PETITIONER
Exhibit P2 (B)	TRUE COPY OF THE LETTER DATED 2.8.2019 SUBMITTED BY THE PETITIONER
Exhibit P3	TRUE COPY OF THE APPLICATION DATED 21.3.2020 SUBMITTED BY THE PETITIONER SEEKING EXTENSION OF TIME.
Exhibit P4	TRUE COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT.
Exhibit P5	TRUE COPY OF THE APPLICATION FOR EXTENSION OF TIME DATED 21.1.2021 SUBMITTED BY THE PETITIONER.
Exhibit P6	TRUE COPY OF THE PROCEEDINGS EXTENDING THE TIME OF COMPLETION UP TO 30.4.2021
Exhibit P7	TRUE COPY OF THE APPLICATION FOR EXTENSION OF TIME SUBMITTED BY THE PETITIONER
Exhibit P8	TRUE COPY OF THE RECOMMENDATION OF ASSISTANT ENGINEER FOR EXTENSION OF

TIME.

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| Exhibit P9 | TRUE COPY OF THE RECOMMENDATION OF
ASSISTANT EXECUTIVE ENGINEER ON
30.7.2021 |
| Exhibit P10 | TRUE COPY OF THE RECOMMENDATION OF
EXECUTIVE ENGINEER ON 2.8.2021 |
| Exhibit P11 | TRUE COPY OF THE REPRESENTATION DATED
18.8.2021 SUBMITTED BEFORE THE 2ND
RESPONDENT. |
| Exhibit P12 | TRUE COPY OF THE REPRESENTATION DATED
18.8.2021 SUBMITTED BEFORE THE 3RD
RESPONDENT. |
| Exhibit P13 | TRUE COPY OF THE RELEVANT PROVISIONS OF
THE KERALA PWD MANUAL REVISED EDITION
2012. |
| Exhibit P14 | TRUE COPY OF THE RELEVANT PAGES OF
STANDARD BIDDING DOCUMENT (SBD) |