

S. Sivaprasad vs the Managing Director

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SooperKanoon Citation : sooperkanoon.com/1363637

Court : Kerala

Decided On : Jul-13-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/17508/2023

Appellant : S. Sivaprasad

Respondent : The Managing Director

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 13TH DAY OF JULY 2023 / 22ND ASHADHA, 1945
WP(C) NO. 17508 OF 2023 PETITIONER: S. SIVAPRASAD AGED 55
YEARS S/O SOMAN. P, KRISHNAMOORTHY VILA, THATTAMALA
P.O, KOLLAM ., PIN - 691020 BY ADVS. SAJU J PANICKER KURIAN K
JOSE RESPONDENTS:

1 THE MANAGING DIRECTOR VELLAYAMBALAM,
THIRUVANANTHAPURAM-33 2 THE EXECUTIVE ENGINEER OFFICE
OF THE EXECUTIVE ENGINEER, PROJECT DIVISION, JALABHAVAN,
KOLLAM ., PIN - 691001 3 THE SUPERINTENDING ENGINEER

OFFICE OF THE SUPERINTENDING ENGINEER, P.H CIRCLE,
KOLLAM ., PIN - 691001 4 THE FINANCE MANAGER AND CHIEF
ACCOUNTS OFFICER THIRUVANANTHAPURAM - 33 5 STATE OF
KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF WATER RESOURCES, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM -, PIN - 695001
ADV.B.S.SYAMANTAK, GP ADV.GEORGE JOHNY, SC, THIS WRIT
PETITION (CIVIL) HAVING COME UP FOR

ADMISSION ON 13.07.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- W.P.(C).No.17508 of 2023
----- Dated this the 13th day of July, 2023

JUDGMENT

This writ petition is filed with following prayers:

- i. To issue a writ of mandamus, order or direction, directing the respondents 4 and 5 to pay the bill amount to the petitioner forwarded to the 4th respondent as per Ext P 4 to P7. ii. To issue a writ of mandamus, order or direction, directing the respondents 4 and 5 to pay 15% of the balance bill amount due to the petitioner as per Ext P8. iii. Pass appropriate order dispensing with the translation of vernacular documents produced in the Memorandum of Writ Petition and accepting the same. iv. Such other relief this Hon'ble court deems fit and proper to grant in the facts and circumstances of the case. (SIC)
2. The main prayer in this writ petition is to issue direction to respondents 4 and 5 to pay the bill amount to the petitioner as per Exts.P4 to P7.
3. Heard the learned Standing Counsel for Water Authority also.

4. The Standing Counsel for Water Authority

submitted that there is no dispute in the bill and some time may be granted to pay the amount. If that be the case, this writ petition itself can be disposed of directing the 4th respondent to disburse the amount within a time frame. Therefore, this writ petition is disposed of in the following manner:

1. The 4th respondent is directed to pay the

admitted amount as per Exts.P4 to P7, as expeditiously as possible, at any rate, within two months from the date of receipt of a stamped certified copy of this judgment.

2. The petitioner will produce a stamped certified

copy of this judgment along with a copy of this writ petition before the 4th respondent for compliance. sd/- P.V.KUNHIKRISHNAN JV JUDGE APPENDIX OF WP(C) 17508/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE TENDER NOTICE DATED 28.05.2021 ISSUED BY 3RD RESPONDENT Exhibit P2 TRUE COPY OF THE AGREEMENT NO: ENTERED INTO BETWEEN THE PETITIONER AND 3RD RESPONDENT Exhibit P3 THE TRUE COPY OF THE RELEVANT PAGES

RELATING TO THE PAYMENTS OF CONTRACTOR IN NOTICE INVITING TENDER DATED 28.05.2021 ISSUED BY THE 3'D RESPONDENT

Exhibit P4 TRUE COPY OF THE LETTER DATED 25.02.2022 SEND BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT ALONG WITH VOUCHER Exhibit P5 TRUE COPY OF THE LETTER DATED 21.03.2022 ALONG WITH THE VOUCHER SENT TO THE 4TH RESPONDENT Exhibit P6 TRUE COPY OF THE LETTER DATED 7.04.2022 ALONG WITH VOUCHER SENT TO THE 4TH RESPONDENT Exhibit P7 TRUE COPY OF THE LETTER DATED 27.07.2022 ALONG WITH THE VOUCHER Exhibit P8 TRUE COPY OF PROCEEDINGS DATED 20.02.2023 OF THE 2ND RESPONDENT