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Nebula Electricals vs State of Kerala

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Court : Kerala

Decided On : Aug-04-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/24653/2023

Appellant : Nebula Electricals

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN FRIDAY, THE 4TH DAY OF AUGUST 2023 / 13TH SRAVANA, 1945 WP(C) NO. 24653 OF 2023 PETITIONER: NEBULA ELECTRICALS 'A' GRADE EHT ELECTRICAL CONTRACTORS & CONSULTANT ENGINEERS C-18,INDUSTRIAL ESTATE ,ETTUMANOOR,KOTTAYAM,REP BY ITS MANAGING PARTNER K.J.RAJU, PIN - 686631 BY ADV H.RAMANAN RESPONDENTS: 1 STATE OF KERALA REP BY SECRETARY PUBLIC WORKS DEPT SECRETARIAT,THIRUVANANTHAPURAM, PIN - 695001 2 THE CHIEF ELECTRICAL ENGINEER OFFICE OF THE CHIEF ELECTRICAL ENGINEER PWD(BUILDINGS)ELECTRICAL WING THIRUVANANTHAPURAM, PIN -

OTHER PRESENT: SMT. VIDYA KURIAKOSE, GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ---------- ---------- Dated this the 4th day of August, 2023

JUDGMENT

This writ petition is filed with the following prayers:- 1) Direct the respondents and more especially the 2nd respondent, to release the Security Deposit as requested by Ext P-5 forthwith and 2) Pass such other orders deemed fit and proper in the circumstances of the case. (SIC)

2. The main grievance of the petitioner is that the Security Deposit paid by the petitioner is not released by the 2nd respondent even though the work is over in the year

2019. The petitioner already filed Ext.P5 before the 2 nd respondent. The same is also not considered is the grievance.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. After hearing both sides, I am of the considered

opinion that this writ petition itself can be disposed of directing the 2nd respondent to consider Ext.P5 within a time frame with notice to the petitioner. Therefore, this writ petition is disposed of with the following directions.

1) The 2nd respondent is directed to consider Ext.P5 and pass appropriate orders in it, after giving an opportunity of hearing to the petitioner and if there is no other legal impediment, the Security Deposit shall be released to the petitioner, as expeditiously as possible, at any rate within two months from the date of receipt of a certified copy of this judgment.

2) The petitioner will produce a certified copy of this judgment along with a copy of the writ petition before the 2nd respondent for compliance.

Sd/- JUDGE bng APPENDIX OF WP(C) 24653/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE WORK ORDER DATED 24.02.2016 Exhibit P2 TRUE COPY OF THE CONTRACT DATED 25.05.2016 Exhibit P3 TRUE COPY OF CHALAN DATED 19.03.2016 Exhibit P4 TRUE COPY OF THE LETTER DATED 11.01.2022 Exhibit P5 TRUE COPY OF THE APPLICATION DATED 07.12.2022 Exhibit P6 TRUE COPY OF THE LEGAL NOTICE DATED 01.03.2023

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