

Pile Tech vs State of Kerala

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Court : Kerala

Decided On : Feb-24-2022

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/3509/2022

Appellant : Pile Tech

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
THURSDAY, THE 24TH DAY OF FEBRUARY 2022/5TH PHALGUNA,
1943 WP(C) NO. 3509 OF 2022 PETITIONER: M/S.PILE TECH, REP.
BY ITS MANAGING PARTNER, C. S. ABRAHAM, AGED 70 YEARS,
S/O. XAVIER, CHOOTHAMPARAMBIL HOUSE, MARIAPPALLY P.O.,
KOTTAYAM TALUK, KOTTAYAM DISTRICT - 686 023. BY ADVS.
GEORGE MATHEW M.D.SASIKUMARAN PRAVEEN S. SUNIL KUMAR
A.G DIPU JAMES MATHEW K.T. GEORGE K.V. RESPONDENTS: 1
STATE OF KERALA REPRESENTED BY ITS SECRETARY, PUBLIC
WORKS DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001. 2 THE DISTRICT COLLECTOR,

KOTTAYAM, COLLECTORATE, KOTTAYAM - 686 002. 3 THE CHIEF ENGINEER , LOCAL SELF GOVERNMENT DEPARTMENT, LID & EW SECTION, VIKAS BHAVAN, THIRUVANANTHAPURAM - 695 033. 4 THE EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT, BRIDGES DIVISION, KOTTAYAM - 686 003. 5 THE EXECUTIVE ENGINEER, LID & EW DIVISION, DISTRICT PANCHAYATH, KOTTAYAM - 686 002. SRI.APPU P.S., G.P. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 24th day of February, 2022 The petitioner, a partnership Firm which has undertaken the work of the respondents, has approached this Court seeking to command the respondents to disburse the amount due to the petitioner under Exts.P1 and P3 for the work 'MLA-ADS-2018-2019-Construction of Bridge across Kadanadu Thodu in Kadanadu - Kollappally Nadumuri, Ward No.11 of Kadanadu Grama Panchayat' within a time frame to be fixed by this Court.

2. The petitioner states that they are a registered A

Class contracting Firm. The petitioner undertook the work evidenced by Exts.P1 and P3 on behalf of the respondents. The work was completed well in advance as evidenced by Ext.P2.

3. The petitioner states that the payments towards

the work carried out by the petitioner is delayed for technical and official reasons as seen from Exts.P4 to P6. Non- payment of admitted amount is causing hardship to the petitioner. The petitioner has carried out the construction, taking advances from various financial institutions.

4. The learned Government Pleader entered

appearance and resisted the writ petition. The learned Government Pleader submitted that certain administrative consultations are required in this matter

between the Public Works Department and the Department for Local Self Government. The processing of the bills is on. The respondents will be able to honour the bills submitted by the petitioner within a short span of time.

5. I have heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents.

6. The fact that the petitioner has completed the

work undertaken by him is not in dispute. The petitioner thereupon submitted Ext.P3 bill. The petitioner has completed the work and submitted bill which has to be honoured expeditiously. The learned counsel for the petitioner pointed out that the funds allocated for the work are likely to be lapsed by 31.03.2022, unless the payments are made before that. In the facts and circumstances, the writ petition is disposed of. There will be a direction to the respondents to settle the bills submitted by the petitioner as expeditiously as possible and at any rate, on or before 31.03.2022. Sd/- N. NAGARESH JUDGE ncd/24.02.2022 APPENDIX OF WP(C) 3509/2022 PETITIONER'S EXHIBITS Exhibit P1 TRUE COPY OF ACKNOWLEDGEMENT DATED 18.02.2021 ALONG WITH PROFORMA. Exhibit P2 TRUE COPY OF COMPLETION CERTIFICATE DATED 13.08.2021 ISSUED BY 4TH RESPONDENT TO PETITIONER. Exhibit P3 TRUE COPY OF DRAWING DETAILS ALONG WITH NON-PAYMENT CERTIFICATE DATED 'NIL' ISSUED BY 4TH RESPONDENT. Exhibit P4 TRUE COPY OF LETTER NO.AB2/BR/2021/970 DATED 17.09.2021 FROM 4TH RESPONDENT TO 2ND RESPONDENT. Exhibit P5 TRUE COPY OF LETTER NO.D5-2065/2021 DATED 04.10.2021 ISSUED BY 2ND RESPONDENT TO 4TH RESPONDENT. Exhibit P6 TRUE COPY OF LETTER NO.AB2/GENERAL/2020 DATED 20.10.2021 FROM 4TH RESPONDENT TO 3RD RESPONDENT. Exhibit P7 TRUE COPY OF REPRESENTATION DATED 21.02.2022 SUBMITTED BY PETITIONER TO 4TH RESPONDENT.

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