

Essen Tech Engineers and Contractors vs the General Manager

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Court : Kerala

Decided On : Oct-30-2020

Judge : Honourable Smt. Justice P.V.Asha

Appeal No. : WP(C)/18440/2020

Appellant : Essen Tech Engineers and Contractors

Respondent : The General Manager

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE SMT. JUSTICE P.V.ASHA FRIDAY,
THE 30TH DAY OF OCTOBER 2020 / 8TH KARTHIKA, 1942
WP(C).No.18440 OF 2020(D) PETITIONER: ESSEN TECH
ENGINEERS AND CONTRACTORS, ROYAL PLAZA BUILDING,3RD
FLOOR, ALUVA-683101, REPRESENTED BY ITS MANAGING
PARTNER V.SANTOSH BABU,AGED 58 YEARS,S/O.VELAYUDHAN,
KODATH HOUSE, ALAMATTOM ROAD,U.C.COLLEGE,ALUVA,
ERNAKULAM. BY ADVS. SRI.S.SHANAVAS KHAN SMT.S.INDU
RESPONDENTS: 1 THE GENERAL MANAGER SOUTHERN RAILWAY
HEAD QUARTERS OFFICE, PARK TOWN,CHENNAI-600003. 2 THE
SENIOR DIVISIONAL ENGINEER, SOUTHERN RAILWAY,PALAKKAD

DIVISION,PALAKKAD-678101. 3 THE DIVISIONAL RAILWAY
MANAGER(WORKS), SOUTHERN RAILWAY,PALAKKAD
DIVISION,PALAKKAD-678002. R1-R3 BY SRI.A.DINESH RAO, SC,
RAILWAYS THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 30.10.2020, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: WP(C).No.18440 OF 2020(D) 2

JUDGMENT

Dated this the 30th day of October 2020

The petitioner was awarded the work of 'track work (a) ballasting of road no.3 Platform line at Cannanore yard (UP main) (b) SSE/P.WAY/MAQ Section-Proposed lifting and packing of points and crossings at MAJN Yard, elimination of fish plated joints by welding. Making up cess. TRR(S) with 5kg Cl.II rails for a length of 0.800 km on road No.7 and shunting neck at MAJN yard and distressing for a length of 6.700 km at MAJN Yard and 1.200 Km between Km between km.0.000-0.900, 2.600-4.900 on Dn line, 0.000-1.200 km on UP line in NTVT-MAJN section and km 800.600-881.700 on Up line in ULL- NTVT Section' by the third respondent. It is stated that even after more than one year of completion of work, the bills are not paid.

2. The learned Standing Counsel Sri.A.Dinesh Rao, on instructions, submitted that a period of four months is necessary to make payment. Eventhough the petitioner has seriously opposed the request of

WP(C).No.18440 OF 2020(D) 3 four months time pointing out the completion of work in 2019, I dispose of this writ petition with a direction to the respondents to make the payment towards final bill as well as security deposit due to the petitioner, within a period of four months.

Sd/- P.V.ASHA JUDGE Bb/3/11/2020 WP(C).No.18440 OF 2020(D) 4 APPENDIX
PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE RELEVANT PAGE
OF AGREEMENT NO.J/281 DATED 26/12/2014 EXHIBIT P2 TRUE COPY OF

LETTER DATED 29/06/2020 ISSUED BY THE PETITIONER TO 3RD
RESPONDENT. RESPONDENTS' EXHIBITS: NIL [True copy] P.A to Judge Bb

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