
(2011) 03 KL CK 0211
In the High Court Of Kerala
Case No : WP (C) No. 6889 of 2011 (I)

Baby Kuriakose

APPELLANT

Vs

KSEB

RESPONDENT

Date of Decision : 04-03-2011

Acts Referred:

Citation : (2011) 03 KL CK 0211

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : Joseph Sebastian Purayidam, for the Appellant; No Appearance, for the Respondent

Judgement

Antony Dominic, J.—Petitioner was awarded the work of construction of a transformer bay. Ext.P1 is the agreement executed between the parties. On the allegation that the work has not been completed within the time allowed, third Respondent issued Ext.P3 informing the Petitioner that if he does not take up the work and complete the same within 15 days of receipt of the letter, contract will be terminated and the work will be carried out at the risk and cost of the Petitioner. Thereupon in terms of Clause-5 of Ext.P1, Petitioner submitted Ext.P4 request to the second Respondent requesting for extension of time and also for payment of his dues. The same has not been considered so far and it is with this grievance, the writ petition is filed.

2. Learned Counsel for the Petitioner submitted that the Petitioner has already completed 70% of the work and if reasonable extension of time is granted, he will complete the work. On the other hand, Standing Counsel appearing for the Board submitted that Petitioner has already abandoned the work and that the Board cannot accept any further delay in completing the work.

3. It is a fact that the work has to be completed expeditiously and if there is breach of contract committed by the Petitioner, Respondents are also entitled to proceed against him in terms of Ext.P1. Now that, according to the Petitioner,

70% of the work has been completed, it is only appropriate that Ext.P4 should be considered by the 2nd Respondent. However, this shall be only on condition that the Petitioner shall resume the work immediately.

Taking note of all these, I dispose of this writ petition directing that the 2nd Respondent shall consider Ext.P4 and pass orders thereon on production of a copy of this judgment along with a copy of the writ petition. Such consideration and passing of orders shall be subject to the condition that the Petitioner shall resume the work at any rate within four days from today.