

(2023) 03 KL CK 0248

In the High Court Of Kerala

Case No : Writ Petition (C). No. 5014 Of 2023

Biju.K.Thomas

APPELLANT

Vs

Kerala State Water Authority, Jalabhavan, Vellayambalam Po,
Thiruvananthapuram District Represented By Its Managing
Director, Pin 695010

RESPONDENT

Date of Decision : 24-03-2023

Acts Referred:

Citation : (2023) 03 KL CK 0248

Hon'ble Judges : Shaji P.Chaly, J

Bench : Single Bench

Advocate : P.K.Babu, Divya B.Nair, V.V.Joshy

Final Decision : Allowed

Judgement

Shaji P.Chaly, J

1. This writ petition is filed by the petitioner seeking the following relief:

"To issue a writ of mandamus or any other appropriate writ or order or direction directing the 2nd respondent to allow the petitioner to execute the agreement covered by Exhibit P1 and Exhibit P2 without insisting additional performance guarantee as stated in Exhibit P2."

2. The contention advanced by the petitioner is in respect of the conditions imposed by the Kerala Water Authority in its tender for providing 50% additional performance guarantee by way of fixed deposit receipt from the treasury. The issue with respect to the validity of the said condition was considered by a Division Bench of this Court in Joseph Velupuzhakkal v. State of Kerala [2017 (4) KLT 700] and held that it is a valid condition.

3. Therefore, after having heard learned counsel for petitioner Sri.P.K.Babu, and learned Standing Counsel for the Kerala Water Authority Sri.V.V.Joshi, the writ petition is dismissed, upholding the validity of the additional performance

guarantee insisted upon by way of 50% treasury deposit. However, if the work has exceeded 80% of the total work, and 100% bank guarantee is already provided by the petitioner, then the treasury fixed deposit receipt may not be insisted upon; otherwise in accordance with the progress of the work, the treasury fixed deposit receipt can be insisted upon by the Kerala Water Authority. If it is required to provide additional performance guarantee by way of treasury fixed deposit receipt, three weeks time is granted to the petitioner.