

(2019) 05 KL CK 0052

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 2108 Of 2019

C.H.Pavithran

APPELLANT

Vs

Roads And Bridges Development Corporation Of Kerala Ltd

RESPONDENT

Date of Decision : 29-05-2019

Acts Referred:

Citation : (2019) 05 KL CK 0052

Hon'ble Judges : Shaji P.Chaly, J

Bench : Single Bench

Advocate : S.Easwaran, M.A.Augustine, M.Vijayakumar

Final Decision : Disposed Off

Judgement

1. Petitioner had executed an agreement with the respondent for collection of toll from Bekal Rail Over Bridge, so far as W.P.(C) No.2896/2019 is concerned.
2. According to the petitioner, petitioner was making the monthly instalments in terms of the contract, however, due to unforeseen circumstances, there was no collection of toll as is expected and thereupon, latches occurred on the part of the petitioner to pay off the amounts.
3. Very same petitioner is the contractor in respect of Koyilandi Rail Over Bridge, so far as W.P.(C) No.2108/2019 is concerned.
4. Admittedly, amounts are due from the petitioner to the respondent. Even though, various contentions are raised in the writ petitions with respect to the illegalities, learned counsel submitted that, reasonable amounts will be paid in both the contracts and petitioner may be permitted to pay the balance outstanding amount in 10 equated monthly instalments. Learned counsel has offered to pay an amount of Rs.2 lakhs, within two weeks in W.P. (C).No.2896/2019, and Rs.10 lakhs in the other connected writ petition, against the total outstanding of Rs.12,92,656/- and Rs.52,68,389/-respectively.
5. Taking into account the adverse economic situations prevailing in the

community, I think it is only appropriate that petitioner is permitted to pay the balance outstanding amounts in 10 equated monthly instalments starting from 29.06.2019, and on the corresponding date of the succeeding months.

6. Needless to say, if any of the directions contained above are violated by the petitioner, the respondent will be at liberty to recover the amounts in lump and in accordance with law.

The writ petition is disposed of accordingly.

APPENDIX OF WP(C) 2108/2019 PETITIONER'S/S EXHIBITS:

EXHIBIT P1 PHOTOSTAT COPY OF THE COMMUNICATION DATED 27.10.2018.

EXHIBIT P2 PHOTOSTAT COPY OF THE CERTIFICATE ISSUED BY THE STATION HOUSE OFFICER, KOYILANDY DATED 01.06.2018.

EXHIBIT P3 PHOTOSTAT COPY OF THE CERTIFICATE ISSUED BY THE STATION HOUSE OFFICER, KOYILANDY DATED 31.07.2018.

EXHIBIT P4 PHOTOSTAT COPY OF THE REPRESENTATION DATED 02.11.2018 TO THE RESPONDENT.

EXHIBIT P5 PHOTOSTAT COPY OF THE JUDGMENT IN WPC NO.36963/2018 DATED 14.11.2018.

EXHIBIT P6 PHOTOSTAT COPY OF THE REPRESENTATION SUBMITTED BEFORE THE RESPONDENT DATED 17.12.2018.

EXHIBIT P7 PHOTOSTAT COPY OF THE ORDER NO.RBDCK/GM/LEGAL/ORDER/01/2018/2157 DATED 19.12.2018.

EXHIBIT P8 PHOTOSTAT COPY OF THE ORDER NO.RBDCK/E2/53/UF/20177/60 DATED 16.01.2019.

RESPONDENT'S EXHIBITS:-

EXHIBIT R1(a) PHOTOSTAT COPY OF THE COMMUNICATION NO.RBDC/E2/53/UF/2017/1076 DATED 30.06.2018.

APPENDIX OF WP(C) 2896/2019 PETITIONER'S/S EXHIBITS:

EXHIBIT P1 PHOTOSTAT COPY OF THE COMMUNICATION DATED 27.10.2018

EXHIBIT P2 PHOTOSTAT COPY OF THE CERTIFICATE ISSUED BY THE STATION HOUSE OFFICER, KOYILANDY DATED 11.06.2018

EXHIBIT P3 TRUE COPY OF THE ACKNOWLEDGMENT OF THE BEKAL POLICE STATION

EXHIBIT P4 PHOTOSTAT COPY OF THE REPRESENTATION DATED 07.11.2018 TO THE RESPONDENT

EXHIBIT P5 PHOTOSTAT COPY OF THE JUDGMENT IN WPC NO.38688/18 DATED

29.11.2018

EXHIBIT P6 PHOTOSTAT COPY OF THE RBDCK/GM/LEGAL/ORDER/02/2018/2156
DATED 19.12.2018

EXHIBIT P7 PHOTOSTAT COPY OF THE ORDER NO RBDCK/E2/45/UF/2017/59
DATED 16.01.2019