

(2014) 07 KL CK 0172
In the High Court Of Kerala
Case No : WP (C). No. 4857 of 2014 (F)

Kaveri Fertilizer Industries

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 02-07-2014

Acts Referred:

Citation : (2014) 07 KL CK 0172

Hon'ble Judges : K. Harilal, J

Bench : Single Bench

Advocate : V.M. Kurian, Mathew B. Kurian and K.T. Thomas, Advocate for the Appellant; M. Gopikrishnan Nambiar, Adv., P. Gopinath, Adv., P. Benny Thomas, Adv., K. John Mathai, Advocate and Jibu P. Thomas, Adv., Government Pleader, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

K. Harilal, J.—The petitioner is the Proprietor of M/s Kaveri Fertilizer Industries, a firm engaged in the manufacture and supply of organic fertilizers, bio fertilizers etc. The petitioner is included in the panel of M/s Kerala Agro Industries Corporation Ltd., and the Regional Agro Industrial Development Co-operative of Kerala Ltd., as authorised suppliers of organic fertilizers and pesticides. During the year 2012-13, the District Panchayat, Pathanamthitta, had implemented the Suckers and Manures for banana cultivation for Farmer Groups project under the 12th Five Year Plan. The project is implemented under the supervision of the Agriculture Department. The farm inputs are supplied by M/s Kerala Agro Industries Corporation Ltd., which is a Corporation owned by the Government of India and the Government of Kerala and RAIDCVO Kerala Ltd., a co-operative undertaking owned by the Government of Kerala. The Corporation as well as RAIDCO effect purchase of the materials from the manufacturers included in its panel, who, in turn, supply the materials to various Krishi Bhavans. Pursuant to Ext.P1 purchase order, the petitioner had supplied the required quantity. As per Ext.P1, materials were supplied to the 5th and 6th respondents before 31st

March, 2013 and the total value comes to Rs. 43,28,857/-. No amount was paid so far. The petitioner is aggrieved by the non-disbursement of the amount due for the supply of organic manure and organic pesticides to various Krishi Bhavans in Pathanamthitta District.

2. The 5th respondent filed a counter statement stating as follows:

2. It is in our knowledge that the petitioner had satisfactorily completed the supply in accordance with the terms and conditions before 31st March, 2013. Further, we are informed that the claim for the above amount was submitted to the 3rd and 4th respondents and demand draft for the above amount has been taken and the same is held by them.

3. It is submitted that as per the terms in our supply order No.TVLA/P.O/12-13 dated 31.01.2013, we are bound to release the payment only after receiving the payment from the Deputy Director of Agriculture who is the 4th respondent. We shall release the payment immediately after receiving the same from the 3rd and 4th respondents.

3. This Court directed the 2nd respondent to file a statement clarifying as to whether the petitioner had supplied the required quantity to the 5th respondent. In compliance with the direction, the 2nd respondent filed a counter affidavit stating that the 5th respondent had supplied the quantity of goods for a total amount of Rs. 83,11,664/- which is the full quantity required to be supplied by the KAICO. M/s RAIDCO, Pathanamthitta, had supplied the materials for an amount of Rs. 22,25,750/- only. A copy of the statement certified by the Deputy Director of Agriculture (WM), Pathanamthitta, is also produced along with the counter affidavit. Going by the statement submitted by the 2nd respondent, it is seen that there is no dispute regarding the quantity of materials supplied by the petitioner. If that be so, the respondents are liable to effect the payment.

4. But, in the counter affidavit filed by the 2nd respondent, it is stated that the Vigilance Cell of the Department of Agriculture had enquired and entrusted the concerned officer to scrutinize and verify all the records with regard to the supply of inputs made through the Krishi Bhavans and to make the payments only after rectifying the defects in the claims submitted by M/s KAICO, Thiruvalla, and M/s RAIDCO, Pathanamthitta, and payments can be effected only after obtaining records from the Vigilance Cell. It is also submitted that payment was delayed only for completing the verification and scrutiny of the records such as acknowledgments for the supply of agricultural inputs and the scrutiny is in progress.

5. In the above circumstances, I find no reason to cause further delay in effecting payment. Hence the respondents 3 and 4 are directed to release the amount due to the petitioner within one month from today and on receipt of the said amount, the 5th and 6th respondents are directed to release the said amount to the petitioner forthwith.

This writ petition is disposed of in the above terms.