
(2024) 08 KL CK 0100

In the High Court Of Kerala

Case No : Writ Petition (C) No 24138 Of 2024

M/s Midland Engineering And Contracting Company

APPELLANT

Vs

Kerala Water Authority

RESPONDENT

Date of Decision : 22-08-2024

Acts Referred:

Citation : (2024) 08 KL CK 0100

Hon'ble Judges : V.G.Arun, J

Bench : Single Bench

Advocate : P.Shanes Methar, N.Krishna Prasad, P.M. Johny

Final Decision : Disposed Of

Judgement

V.G.Arun, J

1. Petitioner has been issued with Ext.P1 work order by the Kerala Water Authority. Consequently, agreement was executed and performance guarantees furnished vide Exts.P1 to P18. Exts.P21 & 22 are the certified bills for other works executed by the petitioner. The prayer in this writ petition is for a direction to the Kerala Water Authority to permit the petitioner to substitute Exts.P1 to P18 performance guarantees with Exts.P21 & P22 bills.

2. The learned Counsel for the petitioner relied on Ext.P24 judgment allowing the prayer for substitution made by the petitioner with respect to another works.

3. The learned Standing Counsel for the Kerala Water Authority submitted that the substitution can be allowed subject to the petitioner obtaining concurrence certificate from the Finance Manager and indemnity certificate from the Executive Engineer concerned.

4. In so far as this Court had granted the relief as per Ext.P24 judgment, I deem it appropriate to dispose of this writ petition in a similar manner.

The writ petition is accordingly disposed of with a direction to the 3rd respondent

to permit the petitioner to substitute the performance guarantees submitted for Exts.P1 to P18 works with Exts.P21 & P22 certified bills, subject to the petitioner making a proper request along with requisite documents. Necessary orders in the matter shall be passed by the 3rd respondent within three weeks from the date of the petitioner's request.