

(2011) 01 KL CK 0197

In the High Court Of Kerala

Case No : Writ Petition (C) No. 19622 of 2010 (C)

Najeeb N.A.

APPELLANT

Vs

State of Kerala, The Chief Engineer, The Executive Engineer
and The Assistant Executive Engineer

RESPONDENT

Date of Decision : 21-01-2011

Acts Referred:

Citation : (2011) 01 KL CK 0197

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : Ajith Krishnan, for the Appellant; No Appearance, for the Respondent

Judgement

Antony Dominic, J.—Petitioner, a PWD Contractor, undertook the work of diversion of drain from "F" Company in SAP Camp, Peroorkkada, Thiruvananthapuram. Though the work was executed as an urgent deposit work and the Petitioner submitted Ext.P1 final bill for Rs. 84,099/- way back on 26-09-2009, in spite of having made representations to the Respondents, payment has not been made. It is complaining of this, the writ petition has been filed.

2. Learned Government Pleader, who has obtained instructions from the third Respondent, submits that though he has requested for a special LC from the Government, Government have not responded so far. It is stated that it was therefore that payment could not be made to the Petitioner.

3. Thus, it is evident that the Petitioner has executed the work and there is no dispute as far as that issue is concerned. There is also no dispute against the amount that is due. If that be so, in my view, payment cannot be delayed on the ground of non-issuance of special LC.

4. In that view of the matter, I dispose of this writ petition, directing that the Petitioner will produce a copy of this judgment before the third Respondent and thereupon the third Respondent will take up the matter with the first Respondent

and the first Respondent will sanction the special LC, at any rate, within six weeks thereafter. It is directed that, once special LC is sanctioned as above, the third Respondent will ensure that payment due to the Petitioner is released within four weeks from the date of sanctioning of the special LC.

Petitioner shall produce a copy of this judgment and writ petition before the third Respondent for compliance.