

(2024) 05 KL CK 0151

In the High Court Of Kerala

Case No : Writ Petition (C) No. 16524 Of 2017

V.V.Raju

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 30-05-2024

Acts Referred:

Citation : (2024) 05 KL CK 0151

Hon'ble Judges : M.A.Abdul Hakhim, J

Bench : Single Bench

Advocate : Jeswin P.Varghese, K B Sony, T.R.Harikumar, N.J.Antony

Final Decision : Dismissed

Judgement

M.A.Abdul Hakhim, J

1. The petitioner was the Convenor of the Beneficiary Committee, who completed two construction works for the 3rd respondent Panchayath in the year 2006. The petitioner was not paid the amounts within the time. According to the petitioner, there occurred much delay on the part of the 3rd respondent to release the funds for the execution of the works. He suffered much loss on account of the delay on the part of the 3rd respondent to disburse the amounts. He received Rs.19,00,000/- on 11.09.2013 and the balance amount of Rs.8,16,173/- was directed to be paid as per Ext.P6 judgment of this Court within one month from the date of receipt of copy of the judgment. It is further ordered in Ext.P6 that if the respondents fail to make the payment as directed, they will have to pay interest @ 12% from the date of the petition till the payment. Subsequently, the said amount was also paid. Since the petitioner was not given interest he had submitted a Representation dt. 25.09.2015 to the 1st respondent-State of Kerala. On account of refusal of the 1st respondent to consider the said Representation the petitioner approached this Court again and this Court as per Ext.P9 judgment directed the 1st respondent to consider the representation dt 25.09.2015 submitted by the petitioner. The 1st respondent passed Ext.P10

order refusing the request of the petitioner for payment of interest. Challenging Ext.P10 and for directing the respondents to pay interest @ 12% for the delayed period, the petitioner has filed this writ petition.

2. The 1st Respondent has filed a counter affidavit dt 22.07.2019 wherein it is stated that after Ext.P6 judgment, I.A No. 466/2015 was filed for extension of time, and the time was extended up to 31.05.2015 and the balance amount of Rs.8,16,173/- was withdrawn by the petitioner from the Treasury on 31.03.2015 after completing the procedure.

3. I heard the learned Counsel for the petitioner, learned Government Pleader for the respondents 1 and 2 and also the learned Counsel for the respondent Panchayath.

4. The learned Counsel for the 3rd respondent submitted that at any rate, the 1st respondent State of Kerala has any power to adjudicate the claim of interest of the petitioner against the 3rd respondent.

5. After hearing the parties, I am of the view that the question of entitlement of the interest of the petitioner has already been adjudicated by this Court as per Ext.P6 judgment. The learned Counsel for the petitioner submits that though the Counter affidavit of the 1st respondent states that the amount was paid on 31.03.2015, the amount was actually received only on 07.04.2015. But I find that there is no Reply affidavit filed by the 1st respondent and no document is produced to substantiate the said fact. If at all the petitioner is entitled to get any amount as interest for the delayed amount, the petitioner has to work out his remedy before the appropriate Forum irrespective of Ext.P10 Order.

6. In the above circumstances, the writ petition fails and is accordingly dismissed.