

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 05TH DAY OF MAY, 2020/15TH VAISAKHA, 1942

W.P(C) NO.8052 OF 2020

PETITIONER:

M/S.SOBHA CONSTRUCTIONS
SRUTHILAYAM
MARUTHOORKONAM
KOTTUKAL PO, BALARAMAPURAM
THIRUVANANTHAPURAM
REP. BY ITS PARTNER K.RAJENDRAN,
S/O KUTTAN PANICKER

BY ADV. SRI. AJITH KRISHNAN

RESPONDENTS:

1. STATE OF KERALA
REP. BY PRINCIPAL SECRETARY
DEPARTMENT OF PUBLIC WORKS
GOVT. SECRETARIAT
THIRUVANANTHAPURAM - 695001
2. THE CHIEF ENGINEER
PWD ROADS AND BRIDGES
THIRUVANANTHAPURAM - 695 033
3. THE SUPERINTENDING ENGINEER
PWD ROADS, SOUTH CIRCLE
THIRUVANANTHAPURAM - 695 033
4. EXECUTIVE ENGINEER
PWD ROADS DIVISION
THIRUVANANTHAPURAM 695 033

R1-4 BY SRI.K.P.HARISH, GOVERNMENT
PLEADER

THIS WRIT PETITION HAVING COME UP FOR ADMISSION
ON 05.05.2020, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

J U D G M E N T

This writ petition is filed, seeking to substitute the security amount given for Ext.P1 and P2 works which are already secured by Ext.P3 by the amounts due under Ext.P4 bill. This relief is claimed on account of the fact that amounts due under Ext.P3 is now ready for payment.

2. I have heard the learned counsel, Sri. Ajith Krishnan, as well as the learned Government Pleader.

3. The learned Government Pleader submits on instructions that Ext.P4 bill is sufficient to secure the performance security for the works granted under Exts.P1 and P2 and that they have no objection in replacing Ext.P3 with Ext.P4 bill.

4. In the aforesaid circumstances, there will be a direction to the 3rd respondent to accept the bills produced as Ext.P4 as substituted security for Ext.P3 bill for the purpose of securing the performance guarantee due under Exts.P1 and P2 works. The amounts due under Ext.P3 which is submitted as having been made ready for payment shall be paid without delay.

This writ petition is disposed of as above.

**BECHU KURIAN THOMAS
JUDGE**

APPENDIX

PETITIONERS EXTS:

EXHIBIT-P1. TRUE COPY OF THE SELECTION NOTICE NO.DB8/2018/11241, DTD.19.10.19, ISSUED BY THE 3RD RESPONDENT

EXHIBITS-P2. TRUE COPY OF THE SELECTION NOTICE NO. DB10/PQ/1060/11241, DTD.17.12.19, ISSUED BY THE 3RD RESPONDENT

EXHIBITS-P3. TRUE COPY OF THE RELEVANT PAGES OF RUNNING ACCOUNT BILL, SUBMITTED BY THE PETITIONER, BEFORE 3RD RESPONDENT

EXHIBITS-P4. TRUE COPY OF THE RELEVANT PAGES OF THE RUNNING ACCOUNT BILL, SUBMITTED BY THE PETITIONER, BEFORE THE 4TH RESPONDENT.

EXHIBITS-P5. TRUE COPY OF REPRESENTATION DATED 6.3.2020 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT

EXHIBITS-P6. TRUE COPY OF THE JUDGMENT DTD 30.01.2020 IN W.P.C.NO.1294/2020