



2025:KER:17072

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

FRIDAY, THE 28TH DAY OF FEBRUARY 2025 / 9TH PHALGUNA, 1946

WP (C) NO. 5042 OF 2025

PETITIONER/S:

UNNIKRISHNAN NAIR. B
AGED 58 YEARS
SAROVILLA'KADAVILA, VANCHIYOOR.P O, ATTINGAL,
THIRUVANANTHAPURAM, PIN - 695035

BY ADVS.
V.PREMCHAND
HALIYA T.P.
MAHADEV M.J.

RESPONDENT/S:

- 1 THE KERALA WATER AUTHORITY,
JALABHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANATHAPURAM,, PIN - 695033
- 2 THE MANAGING DIRECTOR,
THE KERALA WATER AUTHORITY, JALABHAVAN,
THIRUVANATHAPURAM,, PIN - 695033
- 3 THE FINANCE MANAGER & CHIEF ACCOUNTS OFFICER,
THE KERALA WATER AUTHORITY, JALABHAVAN,
THIRUVANATHAPURAM,, PIN - 695033
- 4 THE SUPERINTENDING ENGINEER,
THE KERALA WATER AUTHORITY, PH CIRCLE, KOLLAM,
KOLLAM DISTRICT,, PIN - 691013

BY ADV P.M.JOHNY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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C.S.DIAS, J.**WP(C) No. 5042 OF 2025****Dated this the 28th day of February, 2025****JUDGMENT**

The writ petition is filed to direct the respondents to release the treasury deposits submitted by the petitioner towards performance guarantee in respect of Exts.P1 to P3 works.

2. The petitioner is a contractor of the 1st respondent Authority. The petitioner was awarded the works covered by Exts.P1 to P3 letters of awards. In compliance with the conditions in Exts.P1 to P3, the petitioner had submitted performance guarantee in form of treasury deposits for Rs.97,66,200/-, Rs.75,92,007/- and Rs.38,35,270/- respectively. The petitioner is facing a financial crisis. The authority is liable to pay the petitioner more than Rs.15/- Crore for six works. Moreover, the petitioner has progressed with Exts.P1 to P3 works. Hence, the respondents may be directed to release the treasury



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deposits by recouping an equal amount from the running bills of the petitioner. The 4th respondent has sent Ext.P4 letter informing that the treasury deposits can be released if directions are passed by this Court. In identical matters, this Court has already permitted the above course. Hence the writ petition may be allowed.

3. Heard; the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

4. On a consideration of the facts and the materials on record, particularly that Exts.P1 to P3 work orders are works that commenced in the year 2022 and more than Rs.15/- Crore is allegedly due to the petitioner, I am satisfied that the petitioner is entitled to the reliefs prayed for in the writ petition.

5. Hence, I direct the competent among the respondents to forthwith release the above treasury deposits submitted by the petitioner in respect of the works covered by Exts.P1 to P3 by recouping an equal amount from the petitioner's running bills. The above



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exercise shall be done within six weeks from the date of production of a copy of this judgment.

The writ petition is ordered accordingly.

Sd/-

C.S.DIAS, JUDGE

rkc/28.02.25



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APPENDIX OF WP(C) 5042/2025

PETITIONER EXHIBITS

- | | |
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| Exhibit P 1 | A TRUE COPY OF THE SELECTION NOTICE DATED
28.10.2022 ISSUED BY THE 4TH RESPONDENT |
| Exhibit P 2 | A TRUE COPY OF THE LETTER OF ACCEPTANCE
DATED NIL ISSUED BY THE 4TH RESPONDENT |
| Exhibit P 3 | A TRUE COPY OF THE SELECTION NOTICE DATED
NIL ISSUED BY THE 4TH RESPONDENT |
| Exhibit P 4 | A TRUE COPY OF THE COMMUNICATION DATED
11.01.2025 ISSUED BY THE 4TH RESPONDENT |
| Exhibit P 5 | A TRUE COPY OF THE ORDER DATED 20.03.2024
ISSUED BY THE 2ND RESPONDENT |