

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 11<sup>TH</sup> DAY OF NOVEMBER 2022 / 20TH KARTHIKA, 1944

WP(C) NO. 18521 OF 2022

**PETITIONER:**

ZUBAIR.V  
AGED 50 YEARS  
S/O. ABDULLA, CHERUPARAMBIL HOUSE, KODUR, P.O.,  
MANGATTUPULAM, MALAPPURAM - 676 504.

BY ADVS.  
GEORGE MATHEW  
M.D.SASIKUMARAN  
SUNIL KUMAR A.G  
DIPU JAMES  
MATHEW K.T.  
GEORGE K.V.  
STEPHY K REGI

**RESPONDENTS:**

- 1 STATE OF KERALA  
REPRESENTED BY ITS SECRETARY, WATER RESOURCES  
DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM - 695 001.
- 2 KERALA WATER AUTHORITY,  
HEAD OFFICE, JALA BHAVAN, VELLAYAMBALAM,  
THIRUVANANTHAPURAM - 695 033, REPRESENTED BY ITS  
MANAGING DIRECTOR.
- 3 SUPERINTENDING ENGINEER,  
KERALA WATER AUTHORITY, P.H. CIRCLE, MALAPPURAM,  
MALAPPURAM DISTRICT - 676 504.
- 4 EXECUTIVE ENGINEER,  
KERALA WATER AUTHORITY, P.H. CIRCLE, MALAPPURAM  
DISTRICT - 676 505
- 5 NATIONAL HIGHWAY AUTHORITY OF INDIA,  
REPRESENTED BY ITS PROJECT DIRECTOR, T.C 86/1036-1,  
AMBLY ARCADE, S.N.N.R.A - 9, PETTAH P.O.,  
THIRUVANANTHAPURAM - 695 024.

6 THE SUPERINTENDING ENGINEER,  
PUBLIC WORKS DEPARTMENT, NH DIVISION, NORTH CIRCLE, PWD  
COMPLEX, KOZHIKODE DISTRICT - 673 647.

7 THE EXECUTIVE ENGINEER  
, PUBLIC WORKS DEPARTMENT, NH DIVISION, UP HILL,  
MALAPPURAM DISTRICT - 676 505.

BY ADVS.

P.M.JOHNY SC KWA

SHRI.MATHEWS K.PHILIP, SC, NHAI

**OTHER PRESENT:**

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sc FOR NHAI BIDHAN CHANDRAN; GP AMMINIKUTTY K

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 11.11.2022, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**V.G.ARUN J.**

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**W.P.(C) No.18521 of 2022**  
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Dated this the 11<sup>th</sup> day of November 2022

**JUDGMENT**

The grievance highlighted by the petitioner, regarding the refusal to relieve him without risk and cost from the work awarded as per Ext.P2, stands substantially allayed by the issuance of Ext.P10 order dated 10/10/2022. Therein, the third respondent has stated as under;

“Under the above circumstances and in light of the judgment dated,16/09/2022 of the Hon'ble High Court in WP(C)No.18521/2022, sanction is here by accorded to terminate the contract without the risk and cost. The contractor should carry out all other works included in the original contract other than works along NII 966 satisfactory. The Executive Engineer, Project Division, Malappuram is directed to arrange the balance work as per the norms laid down by the NHAI so that the scheme can be commissioned without further delay.”

2. In the light of the above developments, the writ petition is

closed directing respondents 3 and 4 to pay the amounts due under the bills submitted by the petitioner, with respect to the works already executed,as expeditiously as possible.

The writ petition is closed accordingly.

Sd/-

**V.G.ARUN**

**JUDGE**

dpk

**APPENDIX OF WP (C) 18521/2022**

## PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF RELEVANT PORTION OF NIT NO. SE/PHC/MPM/ 09/2019-20 DTD. 07.11.2019 ISSUED BY 3RD RESPONDENT.
Exhibit P2	TRUE COPY OF WORK ORDER NO. SE/PHC/MPM/DB1/1916/ 2019 DTD. 13.03.2020 ISSUED BY 3RD RESPONDEHT.
Exhibit P3	TRUE COPY OF REPRESENTATION DTD. 12. 01.2021 SUBMITTED TO 4TH RESPONDENT BY PETITIONER.
Exhibit P4	TRUE COPY OF LETTER DTD. 17.02.2021 SUBMITTED BY PETITIONER TO 4TH RESPONDENT.
Exhibit P5	TRUE COPY OF LETTER DTD. 01.03.2021 SUBMITTED BY PETITIONER TO 4TH RESPONDENT.
Exhibit P6	TRUE COPY OF ORDER NO. SE/PHC/MPM/DB1/1916/2019 DTD. 06.05.2021 ISSUED BY 3RD RESPONDENT.
Exhibit P7	TRUE COPY OF LETTER DTD. 07.11.2021 SUBMITTED BY PETITIONER WITH 4TH RESPONDENT.
Exhibit P8	TRUE COPY OF LETTER DTD. 29.11.2021 SUBMITTED BY PETITIONER TO 4TH RESPONDENT.
Exhibit P9	TRUE COPY OF ORDER NO. SE/PHC/MPM/DB1/1916/2019 DTD. 10.12.2021 ISSUED BY 3RD RESPONDENT.
Exhibit P10	TRUE COPY OF ORDER NO.SE/PHC/MPM/DBI/1916/2019 DATED 10.10.2022 ISSUED BY 3RD RESPONDENT.