



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN

FRIDAY, THE 3<sup>RD</sup> DAY OF JANUARY 2025 / 13TH POUSHA, 1946

WA NO. 1 OF 2025

AGAINST THE ORDER DATED 02.12.2024 IN WP(C) NO.42912 OF  
2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 4 AND 5:

- 1 KERALA WATER AUTHORITY  
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAWAN,  
VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695003
- 2 THE FINANCE MANAGER  
KERALA WATER AUTHORITY, JALA BHAWAN, VELLAYAMBALAM,  
THIRUVANANTHAPURAM, PIN - 695003

BY ADV GEORGIE JOHNY

RESPONDENTS/PETITIONERS 1 TO 3 & RESPONDENTS 1 TO 3:

- 1 TAN-B CONSTRUCTIONS  
34/426-H, 1ST FLOOR, LP BUILDING, NEAR ST.JOSEPH  
CHURCH, THURAKKAL BAPPUTTY ROAD, MANJERI, MALAPPURAM-  
REPRESENTED BY ITS PARTNER BABU.K.NAYEM, AGED 54  
YEARS, S/O.MOOSAKUTTY, RESIDING AT MONGAM, MANJERI,  
MALAPPURAM, PIN - 676121
- 2 SAJEEV RAMAKRISHNAN  
AGED 58 YEARS  
S/O. RAMAKRISHNAN, CHETTAM VALAPPIL HOUSE,



OTHUKUNGAL, KOTTAKKAL, MALAPPURAM DISTRICT, PIN -  
676528

- 3 SALIM.P  
AGED 55 YEARS  
S/O. KUNHIMOHAMMED HAJI, PATTATHIL HOUSE, CHAMRAVATTOM  
P.O., TIRUR, MALAPPURAM, PIN - 676102
- 4 UNION OF INDIA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY  
OF FINANCE, DEPARTMENT OF EXPENDITURE, PUBLIC FINANCE  
STATES DIVISION, NEW DELHI, PIN - 110001
- 5 STATE OF KERALA  
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF  
KERALA SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 6 THE SECRETARY TO THE GOVERNMENT  
DEPARTMENT OF WATER RESOURCES, GOVERNMENT OF KERALA  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

BY ADVS.  
SANTHOSHKUMAR K.C  
K.K.CHANDRALEKHA(K/26/1988)  
K.S.SUDHA(K/000050/2014)  
UMADEVI P.S. (K/003644/2023)

OTHER PRESENT:

SMT MINI GOPINATH CGC ,  
SRI.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
03.01.2025, ALONG WITH WA.2/2025, 3/2025 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

FRIDAY, THE 3<sup>RD</sup> DAY OF JANUARY 2025 / 13TH POUSHA, 1946

WA NO. 2 OF 2025

AGAINST THE ORDER DATED 03.12.2024 IN WP(C) NO.42976 OF  
2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 4 TO 6:

- 1 KERALA WATER AUTHORITY  
JALABHAVAN, VELLAYAMBALAM. THIRUVANANTHAPURAM .  
REPRESENTED BY ITS MANAGING DIRECTOR., PIN - 695033
- 2 MANAGING DIRECTOR  
KERALA WATER AUTHORITY, JALABHAVAN, VELLAYAMBALAM.  
THIRUVANANTHAPURAM, PIN - 695033
- 3 FINANCE MANAGER  
KERALA WATER AUTHORITY, JALABHAVAN, VELLAYAMBALAM.  
THIRUVANANTHAPURAM, PIN - 695033

BY ADV GEORGIE JOHNY

RESPONDENTS/PETITIONERS 1 TO 3 & RESPONDENTS 1 TO 3:

- 1 ALL KERALA GOVERNMENT CONTRACTORS' ASSOCIATION  
REG. NO.88/85, OFFICE AT. TC 28/282, POUND ROAD,  
THYCAUD, THIRUVANANTHAPURAM, REPRESENTED BY ITS  
GENERAL SECRETARY, SUNNY CHENNIKKARA, S/O ACHANKUNJU.,  
PIN - 695014
- 2 M/S. MALABAR TECH  
HL TOWER, IGBT BYE-PASS, MANIERI, MALAPPURAM DISTRICT.



REPRESENTED BY ITS MANAGING PARTNER., PIN - 676121

- 3 T. ABDUL SAMAD  
GOVERNMENT CONTRACTOR, P.O. MELMURI, MALAPPURAM  
DISTRICT, PIN - 676517
- 4 STATE OF KERALA  
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 5 THE SECRETARY  
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 6 THE SECRETARY  
WATER RESOURCES DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001

SMT MINI GOPINATH CGC ,  
SRI.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
03.01.2025, ALONG WITH WA.1/2025 AND CONNECTED CASES, THE COURT  
ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

FRIDAY, THE 3<sup>RD</sup> DAY OF JANUARY 2025 / 13TH POUSHA, 1946

WA NO. 3 OF 2025

AGAINST THE ORDER DATED 02.12.2024 IN WP(C) NO.42876 OF  
2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 4 AND 5:

- 1 KERALA WATER AUTHORITY  
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAWAN,  
VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695003
- 2 THE FINANCE MANAGER  
KERALA WATER AUTHORITY, JALA BHAWAN, VELLAYAMBALAM,  
THIRUVANANTHAPURAM, PIN - 695003

BY ADV GEORGIE JOHNY

RESPONDENTS/PETITIONER AND RESPONDENTS 1 TO 3:

- 1 M/S. U.K.S. CONSTRUCTIONS LLP  
15/740-G ERNAD MINI TOWER, PERINTHALMANNA ROAD, UP  
HILL, MALAPPURAM DISTRICT - 676 505 REPRESENTED BY ITS  
MANAGING PARTNER K.M.MOHANAKUMARAN @ UNNIKRISHNAN,  
AGED 68 YEARS, S/O. KAMALADEVI AMMA, RESIDING AT  
'SREE SYLAM', P.O.MUNDUPARAMBA, MALAPPURAM  
DISTRICT, PIN - 676509
- 2 UNION OF INDIA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY  
OF FINANCE, DEPARTMENT OF EXPENDITURE, PUBLIC FINANCE  
STATES DIVISION, NEW DELHI, PIN - 110001



3        STATE OF KERALA  
          REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF  
          KERALA SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

4        THE SECRETARY TO THE GOVERNMENT  
          DEPARTMENT OF WATER RESOURCES, GOVERNMENT OF KERALA  
          SECRETARIAT, THIRUVANANTHAPURAM - 695 001, PIN -  
          695001

BY ADVS.  
SANTHOSHKUMAR K.C  
K.K.CHANDRALEKHA (K/26/1988)  
K.S.SUDHA (K/000050/2014)  
UMADEVI P.S. (K/003644/2023)

SMT MINI GOPINATH CGC ,  
SRI.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
03.01.2025, ALONG WITH WA.1/2025 AND CONNECTED CASES, THE COURT  
ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

FRIDAY, THE 3<sup>RD</sup> DAY OF JANUARY 2025 / 13TH POUSHA, 1946

WA NO. 5 OF 2025

AGAINST THE ORDER DATED 10.12.2024 IN WP(C) NO.43947 OF  
2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 4 TO 6:

- 1 THE KERALA WATER AUTHORITY,  
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,  
THIRUVANANTHAPURAM,, PIN - 695033
- 2 THE MANAGING DIRECTOR,  
THE KERALA WATER AUTHORITY, JALA BHAVAN,  
THIRUVANANTHAPURAM,, PIN - 695033
- 3 THE FINANCE MANAGER & CHIEF ACCOUNTS OFFICER,  
THE KERALA WATER AUTHORITY, JALABHAVAN,  
THIRUVANANTHAPURAM,, PIN - 695033

BY ADV GEORGIE JOHNY

RESPONDENTS/PETITIONERS 1 TO 4 AND RESPONDENTS 1 TO 3 & 7:

- 1 EDWIN PRASAD S,  
AGED 53 YEARS  
S/O.STANLEY JOHNS, KATTARA VADAKKUMKARA HOUSE,  
MARUKIL, OORUTTAMBALAM P.O, THIRUVANANTHAPURAM, PIN -  
695507
- 2 S. GOPAKUMAR,  
AGED 53 YEARS  
S/O.P.SANKARA NARAYAN PILLAI, PLRA-185, PLAVODU,



KODUNGANOOR P.O, VATTIYOORKAVU, THIRUVANANTHAPURAM,,  
PIN - 695013

- 3 G. SURESH,  
AGED 51 YEARS  
S/O.P.GOPINATHAN, AVANAVANCHERY P.O, ATTINGAL,  
THIRUVANANTHAPURAM,, PIN - 695013
- 4 DILEEP KUMAR B,  
AGED 53 YEARS  
S/O.BHANU,AMEENA VEEDU, MELVETTOOR P.O, VARKALA,  
THIRUVANANTHAPURAM,, PIN - 695312
- 5 UNION OF INDIA,  
REPRESENTED BY THE SECRETARY, MINISTRY OF FINANCE,  
DEPARTMENT OF EXPENDITURE, PUBLIC FINANCE STATES  
DIVISION, NORTH BLOCK, NEW DELHI,, PIN - 110001
- 6 THE ASSISTANT DIRECTOR,  
MINISTRY OF FINANCE, DEPARTMENT OF EXPENDITURE, PUBLIC  
FINANCE STATES DIVISION, NORTH BLOCK, NEW DELHI,, PIN  
- 110001
- 7 THE ADDITIONAL CHIEF SECRETARY,  
FINANCE DEPARTMENT, GOVERNMENT OF KERALA,  
THIRUVANANTHAPURAM,, PIN - 695001
- 8 M/S MID LAND ENGINEERING & CONTRACTING COMPANY,  
VARIKKODAN OFFICE BUILDING, VALIYAVARAMBA ROAD, DOWN  
HILL, MALAPPURAM,, PIN - 676519

BY ADV KRISHNA T C  
SMT MINI GOPINATH CGC ,  
SRI.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
03.01.2025, ALONG WITH WA.1/2025 AND CONNECTED CASES, THE COURT  
ON THE SAME DAY DELIVERED THE FOLLOWING:





IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

FRIDAY, THE 3<sup>RD</sup> DAY OF JANUARY 2025 / 13TH POUSHA, 1946

WA NO. 6 OF 2025

AGAINST THE ORDER DATED 07.12.2024 IN WP(C) NO.43605 OF  
2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 4 & 5:

- 1 KERALA WATER AUTHORITY  
REPRESENTED BY THE MANAGING DIRECTOR, JALABHAVAN,  
THIRUVANANTHAPURAM-, PIN - 695033
- 2 THE FINANCE MANAGER & CHIEF ACCOUNTS OFFICER  
KERALA WATER AUTHORITY, JALABHAVAN,  
THIRUVANANTHAPURAM-, PIN - 695033

BY ADVS.  
GEORGIE JOHNY  
P.M. JOHNY

RESPONDENTS/PETITIONERS 1 & 2 & RESPONDENTS 1 TO 3:

- 1 SANTHOSH KUMAR R  
AGED 44 YEARS  
S/O. T.K. RAGHAVAN NAIR KUZHIKKALAYIL, KARIKODE P.O,  
PERUVA, KOTTAYAM-, PIN - 686610
- 2 BENNY JOSEPH  
AGED 58 YEARS  
S/O. JOSEPH, NIRAPPEL HOUSE, VAYALA P.O, PALA KOTTAYAM  
-, PIN - 686587



- 3 UNION OF INDIA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY  
OF FINANCE DEPARTMENT OF EXPENDITURE, PUBLIC FINANCE  
STATES DIVISION, NEW DELHI -, PIN - 110001
- 4 STATE OF KERALA  
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF  
KERALA SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 5 THE SECRETARY TO THE GOVERNMENT  
DEPARTMENT OF WATER RESOURCES, GOVERNMENT OF KERALA  
SECRETARIAT. THIRUVANANTHAPURAM -, PIN - 695001

BY ADV KRISHNA T C  
SMT MINI GOPINATH CGC ,  
SRI.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
03.01.2025, ALONG WITH WA.1/2025 AND CONNECTED CASES, THE COURT  
ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

FRIDAY, THE 3<sup>RD</sup> DAY OF JANUARY 2025 / 13TH POUSHA, 1946

WA NO. 7 OF 2025

AGAINST THE ORDER 07.12.2024 DATED IN WP(C) NO.43574 OF  
2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 4 & 5:

- 1 KERALA WATER AUTHORITY  
REPRESENTED BY THE MANAGING DIRECTOR, JALABHAVAN,  
THIRUVANANTHAPURAM-, PIN - 695033
- 2 THE FINANCE MANAGER & CHIEF ACCOUNTS OFFICER  
KERALA WATER AUTHORITY, JALABHAVAN,  
THIRUVANANTHAPURAM-, PIN - 695033

BY ADVS.  
GEORGIE JOHNY  
P.M. JOHNY

RESPONDENTS/PETITIONER & RESPONDENTS 1 TO 3:

- 1 S. SIVAPRASAD  
AGED 58 YEARS  
S/O. SOMAN, KRISHNAMOORTHIVILLA, THATTAMALA POST,  
KOLLAM, KERALA, PIN - 691020
- 2 UNION OF INDIA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY  
OF FINANCE DEPARTMENT OF EXPENDITURE, PUBLIC FINANCE  
STATES DIVISION, NEW DELHI -, PIN - 110001



3        STATE OF KERALA  
         REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF  
         KERALA SECRETARIAT, THIRUVANANTHAPURAM-, PIN - 695001

4        THE SECRETARY TO THE GOVERNMENT  
         DEPARTMENT OF WATER RESOURCES, GOVERNMENT OF KERALA  
         SECRETARIAT. THIRUVANANTHAPURAM -, PIN - 695001

BY ADV KRISHNA T C  
SMT MINI GOPINATH CGC ,  
SRI.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
03.01.2025, ALONG WITH WA.1/2025 AND CONNECTED CASES, THE COURT  
ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

FRIDAY, THE 3<sup>RD</sup> DAY OF JANUARY 2025 / 13TH POUSHA, 1946

WA NO. 8 OF 2025

AGAINST THE ORDER 19.12.2024 DATED IN WP(C) NO.45494 OF  
2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 5 TO 7:

- 1 KERALA WATER AUTHORITY  
REPRESENTED BY THE MANAGING DIRECTOR, JALA BHAVAN,  
THIRUVANANTHAPURAM, PIN - 695003
- 2 MANAGING DIRECTOR  
KERALA WATER AUTHORITY, JALA BHAVAN,  
THIRUVANANTHAPURAM, PIN - 695003
- 3 FINANCE MANAGER  
KERALA WATER AUTHORITY, JALA BHAVAN,  
THIRUVANANTHAPURAM, PIN - 695003

BY ADV GEORGIE JOHNY

RESPONDENTS/PETITIONERS 1 & 2 AND RESPONDENTS 1 TO 4:

- 1 ALL KERALA WATER AUTHORITY CONTRACTORS ASSOCIATION,  
REPRESENTED BY THE GENERAL SECRETARY  
SIDHARDHAN M, AGED 63 YEARS, S/O.MADHAVAN, ALL KERALA  
WATER AUTHORITY CONTRACTORS ASSOCIATION,  
THIRUVANANTHAPURAM - 695 010 RESIDING AT ASTAMI,  
PANAVILA, NALANCHIRA, THIRUVANANTHAPURAM, PIN - 695015
- 2 N. RAJAN  
AGED 74 YEARS



S/O.NARAYANA PILLAI, PRESIDENT, ALL KERALA WATER  
AUTHORITY CONTRACTORS ASSOCIATION, THIRUVANANTHAPURAM  
- 695 010. RESIDING AT NJARAKAL HOUSE, NEDUMON,  
KALLAYAM P.O. THIRUVANANTHAPURAM, PIN - 695043

- 3 UNION OF INDIA  
REPRESENTED BY THE SECRETARY, MINISTRY OF FINANCE,  
CABINET SECRETARIAT, NEW DELHI, PIN - 110004
- 4 STATE OF KERALA  
REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 5 SECRETARY  
FINANCE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM,  
PIN - 695001
- 6 SECRETARY  
WATER RESOURCES DEPARTMENT, SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001

BY ADVS.  
KALEESWARAM RAJ  
KRISHNA T C  
CHINNU MARIA ANTONY (K/3363/2022)

SMT MINI GOPINATH CGC ,  
SRI.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
03.01.2025, ALONG WITH WA.1/2025 AND CONNECTED CASES, THE COURT  
ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

FRIDAY, THE 3<sup>RD</sup> DAY OF JANUARY 2025 / 13TH POUSHA, 1946

WA NO. 10 OF 2025

AGAINST THE ORDER 02.12.2024 DATED IN WP(C) NO.42984 OF  
2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 8 TO 10:

- 1 KERALA WATER AUTHORITY  
JALABHAVAN, VELLAYAMBALAM THIRUVANANTHAPURAM, KERALA,  
INDIA REPRESENTED BY ITS MANAGING DIRECTOR, PIN -  
695033
- 2 MANAGING DIRECTOR, KERALA WATER AUTHORITY  
JALABHAVAN, VELLAYAMBALAM THIRUVANANTHAPURAM, KERALA,  
INDIA, PIN - 695033
- 3 FINANCE MANAGER, KERALA WATER AUTHORITY  
JALABHAVAN, VELLAYAMBALAM THIRUVANANTHAPURAM, KERALA,  
INDIA, PIN - 695033

BY ADV GEORGIE JOHNY

RESPONDENTS/PETITIONERS 1 TO 3 & RESPONDENTS 1 TO 7 & 11:

- 1 SURYA CONSTRUCTIONS  
4TH FLOOR, MALAYIL MAJESTY, NEAR RAILWAY OVER BRIDGE,  
REFINERY ROAD, THIRIPUNITHURA, ERNAKULAM REPRESENTED BY  
ITS MANAGING PARTNER, PIN - 682301
- 2 K. KHALID  
AGED 57 YEARS  
S/O. MOIDEEN HAJI, RESIDING AT ARALAYIL



KARUVANTHODUKA, KOOLIMADU, PAZHUR, KOZHIKODE, KERALA,  
PIN - 673661

- 3     ABDUL MAJEED O.  
      AGED 49 YEARS  
      S/O. UNNIMOYIN OLIKKATHODI, RESIDING AT CHERUPARAMBU  
      VEEDU, CHARAMKUTHU, NEDIYIRIPPU, MALAPPURAM, KERALA,  
      PIN - 673638
- 4     UNION OF INDIA  
      REPRESENTED BY THE SECRETARY, MINISTRY OF FINANCE  
      CABINET SECRETARIAT, NEW DELHI, PIN - 110004
- 5     ADDITIONAL DIRECTOR (PF-S)  
      PUBLIC FINANCE-STATES DIVISION, DEPARTMENT OF  
      EXPENDITURE, MINISTRY OF FINANCE, GOVERNMENT OF INDIA  
      NORTH BLOCK, DELHI, PIN - 110001
- 6     ADDITIONAL SECRETARY (PF-S)  
      DEPARTMENT OF EXPENDITURE MINISTRY OF FINANCE ROOM NO.  
      169 C, NORTH BLOCK NEW DELHI, PIN - 110001
- 7     STATE OF KERALA  
      REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT,  
      GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM,  
      PIN - 695001
- 8     ADDITIONAL CHIEF SECRETARY, DEPARTMENTS OF TAXES AND  
      EXCISE, PERSONNEL & ADMINISTRATIVE REFORMS, SCHEDULED  
      CASTES, SCHEDULED TRIBES, BACKWARD CLASSES  
      DEVELOPMENT, GOVERNMENT OF KERALA  
      GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -  
      695001
- 9     ADDITIONAL CHIEF SECRETARY, FINANCE DEPARTMENT,  
      GOVERNMENT OF KERALA  
      GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -  
      695001
- 10    SECRETARY, WATER RESOURCE DEPARTMENT, GOVERNMENT OF  
      KERALA  
      GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -  
      695001





- 11 MIDLAND ENGINEERING AND CONTRACTING COMPANY  
VARIKODAN BUILDING, VALIYAPARAMBA, DOWN HILL.P.O,  
MALAPPURAM/REPRESENTED BY ITS MANAGING PARTNER, PIN -  
676519

OTHER PRESENT:

SMT MINI GOPINATH CGC ,  
SRI.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
03.01.2025, ALONG WITH WA.1/2025 AND CONNECTED CASES, THE COURT  
ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

FRIDAY, THE 3<sup>RD</sup> DAY OF JANUARY 2025 / 13TH POUSHA, 1946

WA NO. 11 OF 2025

AGAINST THE ORDER 03.12.2024 DATED IN WP(C) NO.42909 OF  
2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 4 TO 6:

- 1 THE KERALA WATER AUTHORITY,  
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,  
THIRUVANANTHAPURAM,, PIN - 695033
- 2 THE MANAGING DIRECTOR,  
THE KERALA WATER AUTHORITY, JALA BHAVAN,  
THIRUVANANTHAPURAM,, PIN - 695033
- 3 THE FINANCE MANAGER & CHIEF ACCOUNTS OFFICER,  
THE KERALA WATER AUTHORITY, JALABHAVAN,  
THIRUVANANTHAPURAM,, PIN - 695033

BY ADV GEORGIE JOHNY

RESPONDENTS/PETITIONERS & RESPONDENTS 1 TO 3 & 7:

- 1 P. DILEEP,  
AGED 53 YEARS  
DILEEP BHAVAN, KADAKAVOOR, THIRUVANATHAPURAM  
DISTRICT,, PIN - 695306
- 2 A. AJI,  
AGED 52 YEARS  
PUTHUVEL PUTHEN VEEDU, PAYALLUVILA, THIRUVANATHAPURAM  
DISTRICT,, PIN - 695501



- 3 SREEKUMAR,  
AGED 49 YEARS  
ASWATHY, PALOORKONAM, KURUMKUTTY, PARASALLA PO,  
THIRUVANATHAPURAM DISTRICT,, PIN - 695502
- 4 B. UNNIKRISHNAN NAIR,  
AGED 53 YEARS  
SOROVILLA, KADAVILA, VANCHIYOOR  
PO,ATTINGAL,THIRUVANATHAPURAM DISTRICT, PIN - 695902
- 5 T.J SAIMON,  
AGED 51 YEARS  
SAJ BHAVAN, LOURDPURM, KANJIRAMKULAM PO,  
THIRUVANATHAPURAM DISTRICT,, PIN - 695524
- 6 R. SURAJ,  
AGED 52 YEARS  
RAJ VRINDHAVAN, UCHAKKADA, VENGANOOR  
PO,THIRUVANATHAPURAM DISTRICT,, PIN - 695523
- 7 T. THANKAPPAN,  
AGED 54 YEARS  
K.S BHAVAN, KANNARAVILA, NELLIMOODU  
PO,THIRUVANATHAPURAM DISTRICT, PIN - 695524
- 8 S. ANIL KUMAR,  
AGED 49 YEARS  
SHALOM HOUSE, AYANI MOODU, VEDIVACHAN KOVIL PO,  
THIRUVANANTHAPURAM DISTRICT,, PIN - 695501
- 9 UNION OF INDIA,  
REPRESENTED BY THE SECRETARY, MINISTRY OF FINANCE,  
DEPARTMENT OF EXPENDITURE, PUBLIC FINANCE STATES  
DIVISION, NORTH BLOCK, NEW DELHI,, PIN - 110001
- 10 THE ASSISTANT DIRECTOR,  
MINISTRY OF FINANCE, DEPARTMENT OF EXPENDITURE, PUBLIC  
FINANCE STATES DIVISION, NORTH BLOCK, NEW DELHI,, PIN  
- 110001
- 11 THE ADDITIONAL CHIEF SECRETARY,  
FINANCE DEPARTMENT, GOVERNMENT OF KERALA,  
THIRUVANANTHAPURAM,, PIN - 695001



12 M/S MID LAND ENGINEERING & CONTRACTING COMPANY,  
VARIKKODAN OFFICE BUILDING, VALIYAVARAMBA ROAD, DOWN  
HILL, MALAPPURAM,, PIN - 676519

SMT MINI GOPINATH CGC ,  
SRI.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
03.01.2025, ALONG WITH WA.1/2025 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



**AMIT RAWAL,  
&  
P.V.BALAKRISHNAN, JJ.**

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**W.A.Nos. 5 of 2025, 1/2025, 2/2025, 3/2025,  
6/2025, 7/2025, 8/2025, 10/2025 & 11/2025**  
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**Dated this the 03<sup>rd</sup> day of January, 2025**

**JUDGMENT**

**Amit Rawal, J.**

1. Nine (9) writ appeals, at the instance of the Kerala Water Authority and its officials, have come up against the interim orders arising out of various writ petitions filed by the respondents, represented by the counsel present in the court.

2. The grievance of the Kerala Water Authority in the present appeal is that the interim order, extracted herein below, passed by the learned Single Judge, has not taken into consideration, various documents ie., Annexures A1, A2, A3, A4 and A5 annexed in W.A.No.5/2025:-

*"Admitted.*

*The learned Deputy Solicitor General of India takes notice for the respondents 1 and 2. The learned Government Pleader takes notice for the third respondent. The learned Standing Counsel takes notice for the respondents 4 to 6. Issue notice by Speed Post to the 7th respondent.*



*On a consideration of the facts and the materials on record, particularly going through the direction of the Division Bench of this court in W.A.No.298/2024, I am satisfied that the petitioners have made out a prima facie case for an ad-interim order. Hence, I direct the respondents not to release the payment pursuant to Ext.P2 scheme in violation of the directions in the judgment in the writ appeal."*

3. Annexure A1 dated 26.02.2024 in Writ Appeal No. 5 of 2025 has not been taken into consideration for the purpose of granting interim reliefs sought for by the petitioners. All the respondents/petitioners had assailed the order dated 25.11.2024 issued by the Ministry of Finance, Department of Expenditure according approval for six (6) capital projects under the Jal Jeevan Mission out of sixty seven (67) capital projects in order of priority posed by the State Government of Kerala by restricting the capital expenditure within the allocated amount for the State Government of Kerala under Part IX of the Scheme for Special Assistance to States for Capital Investment 2024-25. Against 67 capital projects, the allocated amount is of Rs.288.75 Crores for 6 capital projects, on the premise that there had already been a litigation with regard to the disbursement of amount to the contractors, who have been undertaking the work under Jal Jeevan Mission (JJM) constituted under the aegis of the Central Government with actual participation of the different States in the Country, whereby the fifty (50) percentage of the payment is being



met out by the Central Government and the remaining 50% by the State government and in this regard, the Central Government had been granting assistance.

4. As a result of the litigation at the instance of few of the contractors, this Court vide judgment dated 15.09.2023, in various writ petitions, had directed the Kerala Water Authority to disburse the payment to the existing contractors and contractors whose works had already been completed, within a period of one month. The aforementioned order was assailed by the Kerala Water Authority in various writ appeals bearing numbers 324, 296, 297, 298, 317, 300, 325 & 388 of 2024. The intra appellate court, vide judgment dated 14.03.2024, had set aside the findings recorded in paragraph 13 of the judgment of the Single bench and ordered that all the contractors shall be paid the dues in accordance with the seniority list (Ext.P2 in Writ Petition No.42984/2024), maintained by the Kerala Water Authority.

5. The intra appellate court, vide judgment dated 27.11.2024, in another set of similar controversy, also reiterated the findings rendered in the previous judgment. Ext.P5 dated 14.03.2024, observing that the claim of the contractors will be strictly as per the waiting list. In other words, the Kerala Water Authority was directed to make the payment by abiding the seniority list.



6. Before we could hear Sri.Gopalakrishna Kurup, AG, Senior Advocate assisted by George Johny, objections have been taken by Mr.Santhosh Mathew, learned Senior counsel, regarding the maintainability of the writ appeal (intra court appeal) against the interim order passed in the pending writ petitions and in support of the contention relied upon falling judgments in ***Thomas P.T and another vs. Bijo Thomas and others (2021 (6) KHC 279) and Bharat Petroleum Corporation Ltd and Another vs. Saju A.R and others (2021 (5) KHC 398 (DB))***. There has been an act of favouritism and biasness in sending list of selected projects.

7. Another argument, which has been raised that already there is a finding regarding the disbursement of the amount by a way of the seniority list. The Kerala Water Authority was remiss in not apprising the Central Government regarding the orders of the court and therefore, action of the State as well as the Central Government picking six (6) contractors for the works identified (already allotted) out of the seniority list for disbursement of the payment leaving the State to make the payment out of the allocation of the funds by the Central is an exercise which would be hit by doctrine akin to res judicata.

8. On the other hand, Sri. Gopalakrishna Kurup, AG, assisted by Mr.George Johny, countered the argument by submitting that the ratio





decidendi culled in the judgment was based upon the facts and would not be treated as a judgment in rem but per-curium ,for, the order if allowed to sustain would tantamount to allowing the writ petitions in terms of the relief claimed by the writ petitioners. In fact, the entire works or grant by the Central Government would come to stand still much less the residents of the area identified as per the project aforementioned would be deprived of the drinking water.

9. We have heard Sri. Gopalakrishna Kurup, AG on merits and has also raised the following submissions:-

10. In both the aforementioned judgments of the intra appellate court, none of the communication/scheme promulgated by the Central Government vide communication dated 26.02.2024 for Special Assistance to States for Capital Investment 2024-25 whereby under Part IX, it was clarified that the State will also use not more than 30 percentage of the funds allocated under Part I of the Scheme for contributing State's shares for JJM and Pradhan Mantri Gram Sadak Yojana (PMGSY) for JJM 2024-25 as per the allocation of Central share by the Department of Drinking Water & Sanitation and State's share for PMGSY. It is further clarified that the Government of India shall reserve the right to prioritize such projects for upto 30 percentage of the funds in Part I of the Scheme 2024-25 and the individual projects, which was picked up was required to have a capital



outlay of less than Rs.5 Crores. The aforementioned scheme also empowered the State for utilisation of the funds provided to the state by the Central Government for new and ongoing capital projects for long term benefit to the State which can be also used for setting up pending bills in ongoing capital projects with a caveat that all amount allocated under all parts of the scheme shall be spent on eligible expenditure before 31<sup>st</sup> March, 2025.

11. For allocation of the funds, State of Kerala was identified with a allocation under Part I of Rs.1059 Crores. In view of the aforementioned allocation, the Central Government came out with a modification of the Scheme vide communication dated 09<sup>th</sup> August, 2024 as per Annexure A2 in W.A.No.5 of 2025 and as per Part IX, it was specified that wherein an amount of Rs.15000 Crores was earmarked of the Scheme consisting of various projects ie., Railway, Metro Rail, Highway Projects, Power Projects etc. including the Centrally sponsored scheme like Jal Jeevan Mission, AMRUT, PMGSY whereby the State Government was directed to submit a list of projects/schemes for which funds under this Part of the scheme are proposed to be applied to the Ministry of Finance latest by 15.10.2024. In response to the aforementioned scheme, the Kerala Water Authority vide communication dated 10.09.2024 as per Annexure A4 informed the Additional Chief Secretary with regard to the pending proposals and the



payments and the outstanding dues of Rs.1549.88 Crores for onward submission to the Government of India. The entire information was submitted including the list of 67 projects vide Annexure A5 purely, strictly as per the terms and conditions of the scheme out of which vide communication dated 25.11.2024, the Central Government has picked up of 6 projects. There cannot be any element of mala fides and biasness as attempted to be projected on behalf of the contractors in case the State is allowed to continue, or if permitted to move an application under Sub Article 3 of Article 226 of the Constitution of India, there is a likelihood that by the time when the application is adjudicated, the time line fixed under the Scheme that is 31<sup>st</sup> of March 2025 time would be over and there would be no development in the areas and residents would be deprived of drinking water.

12. On the other hand, the learned Senior counsel and counsel appearing on behalf of the contractors, besides the objection of maintainability, submitted that even otherwise the action of the Kerala Water Authority was totally reprehensive in not informing the Central Government regarding the decisions of the Division Bench in two intra court appeals regarding the outstanding payment to the contractors much less there is no rationale or logic as to in what manner the State had sent the list of 67 ongoing projects out of which 6 have been identified by the



Central Government. All these factors are required to be examined as fresh in detail in pending writ, therefore, the writ appeals are may be dismissed with exemplary cost.

13. We have heard the learned counsel for the parties and appraised the paper book.

14. Before dealing with the merits of the matter, we have been called upon to decide the question of maintainability of intra court appeal, thus we have to deal with the ratio decidendi culled out in the judgments cited in support of the aforementioned arguments.

15. In ***Thomas P.T and another*** (supra), it was a case where certain shop keepers who were provided a police protection to carry on the business in the premises with a condition that the business was carried out under necessary licenses and permissions. It was the said order which was assailed before the intra court appeal and was held to be not maintainable as issuance of the interim order was inevitable ,for, the writ petition would have rendered infrutuous.

16. In ***Bharat Petroleum*** (supra), was a dispute with regard to the settlement scheme vis-a-vis the workman and the employers and there was an interim order granted by the single bench, which was assailed before the intra court appeal and it was held that had the single bench not passed the order, the whole purpose of the matter pending



before the single bench would have rendered infructuous.

17. Noticing the facts in the case in hand as well as the facts while rendering the findings regarding maintainability of intra court appeal, we are of view that it was based upon the different set of circumstances and facts wherein the absence of the stay, the pendency of the writ petitions, in cited judgments, not only would have been for academics but the whole purpose would have rendered infructuous, whereas, in the present case, the interim order granted by the learned single bench tantamount in allowing the writ petition as per the reliefs claimed in the writ petition for the sake of brevity. The relief sought in one of the writ petition No.43947/2024 is extracted hereunder:-

*"I) Call for records leading to Exhibit P 2 and the NIT and other records of the contractors whose names figure in Exhibit P 2 and quash the same by a writ or any other appropriate writ direction or order.*

*II) Issue a writ of Mandamus or any other appropriate writ direction or order directing respondents 3 to 6 to strictly maintain the seniority fixed as per Exhibit P 1 for JJM Mission projects and not to violate the same under any circumstances.*

*III) Issue a writ of Mandamus or any other appropriate writ direction or order directing respondents 3 to 6 not to disburse the amounts to the contractors mentioned in Annexure to Exhibit P 2 without following the seniority in Exhibit P 1.*

*IV) The petitioner also prays that this Hon'ble Court may be pleased to dispense with the translation of the documents produced in the vernacular language.*



*V) Any other reliefs this Hon'ble court deems fit"*

18. Moreover, it is a Central Government sponsored scheme and the funds have been allocated by the Central Government whereby only 6 projects which are of immediate need to be carried out for the purpose of providing drinking water to the residents of the remote areas who have been deprived of the same even in the year 2024 and in case, stay is permitted to continue, the purpose of the welfare State would not be achieved. We, thus overrule the objections taken on behalf of the respondents regarding the maintainability of the appeal and hold that the writ appeals in such circumstances are maintainable.

19. Few of the clauses of the scheme though would be subject matter of adjudication in the pending writ petitions are worth extraction but we refrain from delving on the same as it may not prejudice the right of the parties to the lis. But, in narrow compass, it is found out that the Kerala Water Authority had never been remiss in not informing the State Ministry as well as the Central Government about the pending dues to the outstanding contractors amounting to Rs.1549.88 Crores. The State Government vide letter dated 15.10.2024 informed the Central Government while sending a list of 67 projects which were in dire need to be implemented and out of that, 6 projects have been selected by the



Central Government. The genesis of the grievance as noticed above is that, in case of the selection of 6 projects, their payment which is to be disbursed would not be as per the seniority and would further stall payments to the contractors, i.e., the writ petitioners. We are of view that such apprehension is totally figment of imagination and nothing else, for, the projects have been identified by the Central Government and not by the State Government. Therefore, we cannot, at this stage subject to the outcome of the writ petition, say that there was an element of favouritism, biasness or opaqueness much less any partiality. We clarify that this question will be left open for adjudication in the pending writ petitions.

20. Not only this, all the additional documents had never been part of the consideration or ponderance in the previous round of litigation before the single bench as well as the intra court appeals much less Ext.P8, nor discussed while passing the interim order under challenge. Therefore, the objection with regard to the plea of resjudicata would not be applicable and the objection is overruled.

21. But, for the time being, the interim order is permitted to continue, it will tantamounts, for the sake of repetition, allowing the writ petition. Thus, we hereby vacate the interim order for a period of two months with a liberty to parties to raise all the pleas in the pending writ



petitions and further issue directions subject to the outcome of the writ petition, that the Kerala Water Authority as well as the State Government would strictly adhere by paragraph 11 of the scheme and in case, after utilization of the funds, if further funds are left, would be utilised in disbursement of pending bills for old and ongoing projects as well as to the other conditions of the guidelines. Paragraph 11 of the scheme reads as follows:-

*"Funds provided to the States under the Scheme by the Government of India may be used by the State Government for new and ongoing capital projects for long term benefit to the State. The funds may also be used for settling pending bills in ongoing capital projects."*

22. It is made clear that the funds of the Central Government provided to the State Government, further to the Kerala Water Authority for those ongoing projects, will not stall the payment process of writ petitioners in the writ petitions.

Writ appeals with the aforementioned observations stands disposed off.

Sd/-

**AMIT RAWAL**  
**JUDGE**

Sd/-

**P.V.BALAKRISHNAN**  
**JUDGE**





APPENDIX OF WA 1/2025

PETITIONER ANNEXURES

|             |   |
|-------------|---|
| ANNEXURE A1 | TRUE COPY OF THE SCHEME GUIDELINES DATED<br>26.02.2024.   |
| ANNEXURE A2 | TRUE COPY OF THE GUIDELINES ON SPECIAL<br>ASSISTANCE SCHEME DATED 09.08.2024 ISSUED BY<br>THE CENTRAL GOVERNMENT.   |
| ANNEXURE A3 | TRUE COPY OF THE COVERING LETTER SENT BY THE<br>MANAGING DIRECTOR, KERALA WATER AUTHORITY<br>DATED 19.08.2024.  |
| ANNEXURE A4 | TRUE COPY OF THE COVERING LETTER DATED<br>10.09.2024 ISSUED BY THE MANAGING DIRECTOR<br>TO THE GOVERNMENT OF KERALA.  |
| ANNEXURE A5 | TRUE COPY OF THE REVISED PROPOSAL FOR<br>SPECIAL ASSISTANCE TO STATE FOR CAPITAL<br>INVESTMENT 2024-2025 FORWARDED BY THE KERALA<br>WATER AUTHORITY DATED 30.09.2024. |



APPENDIX OF WA 2/2025

PETITIONER ANNEXURES

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| ANNEXURE A1 | TRUE COPY OF THE SCHEME GUIDELINES DATED 26.02.2024.   |
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APPENDIX OF WA 3/2025

PETITIONER ANNEXURES

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APPENDIX OF WA 5/2025

PETITIONER ANNEXURES

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APPENDIX OF WA 6/2025

PETITIONER ANNEXURES

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APPENDIX OF WA 7/2025

PETITIONER ANNEXURES

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APPENDIX OF WA 8/2025

PETITIONER ANNEXURES

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APPENDIX OF WA 10/2025

PETITIONER ANNEXURES

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APPENDIX OF WA 11/2025

PETITIONER ANNEXURES

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