



W.P.No.25907 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 07.07.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.25907 of 2026

and WMP.No.28292 of 2026

KCP Infra Limited
Registered office at No.4,
Ground Floor, Alayam Space,
Anandha Road, Alwarpet,
Chennai 600 018.
Rep. by its Director,
K.Muthukumarasamy

Petitioner(s)

Vs

1. The Managing Director
TWAD Board, Head Office,
Chennai.
- 2.The Chief Engineer (i/c),
TWAD Board, Vellore - 6
- 3.TWAD Board, Vellore - 6
TWAD Board, Cuddalore
Villipuram Circle, Cuddalore.
- 4.The Executive Engineer
TWAD Board, Project Division,
Cuddalore.

Respondent(s)



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Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent in Lr.No.11426/F.CWSS Tittakudi-P3/LD-Court Case/AE/CUD/2026 dated 20.04.2026 quash the same and consequently direct the respondents to make the payment of Rs.25,33,380/- recovered from RA Bills by the Executive Engineer towards liquidated damages invoked in completing the tender work to provide CWSS to Thittakudi, Pennadam, Gangaikondan, Vadalur, Kurinjipadi, Mangalampetti T.P. and 625 rural habitations in Nallur, Mangalore and Virdhachalam Union of Cuddalore District with NLC mine water as source as per the work order in Lr.No.FNLC-PJ/DO/CE/VLR/2020 dated 04.11.2020 and also to revoke the liquidated damage imposed in Lr.No.F.CWSS to Thittakudi- Pkg-III/JDO/PD/CUD/2023 dated 25.09.2023 on the file of the 4th respondent.

For Petitioner : Mr.S.Doraiswamy

For Respondents : Ms.S.Mekhala
Standing Counsel

ORDER

The petitioner is before this Court challenging the order dated 20.04.2026 issued by the fourth respondent, whereby the petitioner's request for revocation of the liquidated damages has been rejected. The impugned order further states that the petitioner's claim for payment towards additional/supplemental works is under examination and that the claim for price escalation is under scrutiny and will be decided in accordance with Clause 50.1 of the Agreement.



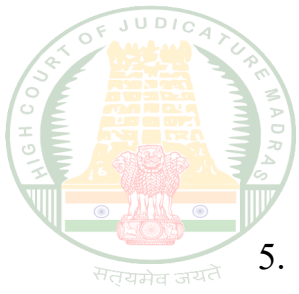
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2. The petitioner is a Class-I contractor and was entrusted with the work under the Combined Water Supply Scheme for Thittakudi, Pennadam, Vadalur, Kurinjipadi, Mangalampettai and Gangaikondan Town Panchayat. The petitioner claims to have completed the work entrusted to him satisfactorily. Thereafter, the petitioner filed W.P. No.8048 of 2026 seeking a direction to the respondents to pay a sum of Rs.25,33,380/- towards the additional work executed by him. The said writ petition was disposed of by recording the submission of the learned counsel appearing for the respondents/TWAD Board that the petitioner's claim would be considered in accordance with law. Pursuant to the said direction, the fourth respondent passed the impugned order.

3. Heard the learned counsel appearing on either side.

4. The liquidated damages quantified at Rs.25,33,380/- for the alleged unfinished work have been determined unilaterally without affording the petitioner an opportunity of being heard. On that ground alone, the rejection of the petitioner's request for revocation of the liquidated damages is arbitrary and unsustainable.



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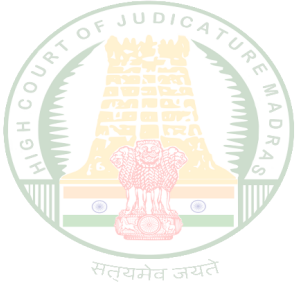
5. The imposition of liability towards liquidated damages has civil consequences. Therefore, the petitioner ought to have been given a reasonable opportunity of hearing before such liability was fastened. Since no such opportunity was provided, the impugned order is in violation of the principles of natural justice and is liable to be set aside.

6. Accordingly, the Writ Petition is allowed. The impugned order dated 20.04.2026 issued by the fourth respondent is set aside. The fourth respondent is directed to reconsider the matter afresh, after affording the petitioner an opportunity of hearing, in terms of the directions issued by this Court in W.P.No.8048 of 2026, and pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

07.07.2026

(1/2)

Index : Yes/No
Speaking order : Yes/No
dna



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HEMANT CHANDANGOUDAR.J.,

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