

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.11503 of 2015

ORDER:

This writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents 3 and 4 in proposing to deduct the amounts payable to the petitioner firm towards transportation charges in respect of the works undertaken by it pursuant to the work orders i.e. (1) Service Order No.Ref:7500027590 dated 19.1.2015 and work order No.7600005788 dated 4.2.2015 issued by the Singareni Collieries Company by invoking the penalty clause i.e. Clause 19 of the service order dated 19.1.2015 and penalty clause 4.2 of the work order dated 4.2.2015 on the ground of granting extension of work period granted to the earlier contractor i.e. Sai Manikanta Transport pursuant to the orders passed by this Court in W.P.No.36425 of 2014 dated 28.11.2014 i.e. from 17.3.2015 to 1.6.2015 i.e. for a period equal to force majeure period of 76 days or completion of balance quantities of 1,01,233.87 tonnes i.e. balance quantities of coal left to SRP CHP as on 27.2.2015 whichever is earlier as illegal and arbitrary.

It is only the apprehension of the petitioner that the respondents may propose to deduct certain amounts from the bill raised by the petitioner for the contractual work done by it. If any deductions are made by the respondents contrary to the work order entered with the petitioner, the petitioner is at liberty to produce its bills in accordance with the terms of contract entered with the respondents and on production of such claim by the petitioner, the respondents are directed to take appropriate decision in accordance with the work order. If the respondents conclude anything contrary to the work order, they should give an opportunity to the petitioner by way of issuing prior notice and decide the issue after hearing the petitioner.

With the above direction, the writ petition is disposed of. No order as to costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

RAJA ELANGO, J.

Date.23.04.2015