

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.12127 to 12131 of 2016

M/s.Renaatus Projects Pvt. Ltd.,
represented by its Managing Director
Mr.C.K.Venkatachalam,
No.156, Mullamparappu,
N.G.Palayam Post,
Erode 638 115,
Tamilnadu, India.

Vs.

M/s.University of Madras
represented by its Registrar
Chepauk, Chennai 600 005.

... Petitioner in all WPs

.. Respondent in all WPs

Prayer in all Writ Petitions: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent herein to consider the representations dated 3.3.2016 within a time frame to be fixed by this Court.

For Petitioner in all WPs: Mr. P.J.Rishikesh

For Respondent in all WPs: Mr. R. Vijayakumar

C O M M O N O R D E R

The petitioner has come forward with these Writ Petitions praying for issuance of a mandamus upon the respondent to direct the respondent to consider the representations dated 3.3.2016 within a time frame to be fixed by this Court.

2. Heard Mr. P.J.Rishikesh, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Standing Counsel, who took notice for respondent University.

3. According to the petitioner, the petitioner is engaged in the business of civil construction, plumbing, sanitary and other sub stations works. The respondent had invited bids for construction of Multi Storied Building at Sekhizhar Campus, for carrying out the balance of work of construction of multi storied building at Guindy Campus, Chennai, for carrying out

the Elevation works for the construction of multi storied building at Taramani Campus, for carrying out plumbing sanitary underground sump, sub station works and fire fighting works for the construction of multi-storeyed building at Taramani Campus and for electrical work at construction of multi-storeyed building at Guindy Campus Chennai. Accordingly, the petitioner submitted its bid and emerged successful, pursuant to which, agreements came to be executed between the petitioner and the respondent on 10.12.2012, 21.09.2012, 7.5.2014, 4.8.2014 and 11.4.2014 respectively for the above said works.

4. It is the grievance of the petitioner that the respondent University has committed default in making payments despite the bills raised by the petitioner being certified by the Engineer/Project Management consultant and the same being approved by the building committee and the syndicate committee and as on date, the respondent is liable to pay a sum of Rs.1.86 crores. In this regard, the petitioner has sent detailed representations dated 3.3.2016 and the same were delivered to the respondent on 7.3.2016. But the respondent has neither replied, nor released the payments to the petitioner despite receipt of representations. Aggrieved by the same, the petitioner has filed the present Writ Petitions.

5. When the matters are taken up for consideration, learned counsel appearing for the respondent opposed to grant direction stating that there is an arbitration clause in the agreement and without invoking arbitration clause, this petitioner has approached this Court. Thus he prayed for dismissal of these petitions.

6. Irrespective of the submissions made on either side, this Court considering the limited scope of the prayer sought for in this Writ Petition, without going into the merits of the matter, directs the respondent to consider the representations of the petitioner and pass orders on the same on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, these Writ petitions are disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

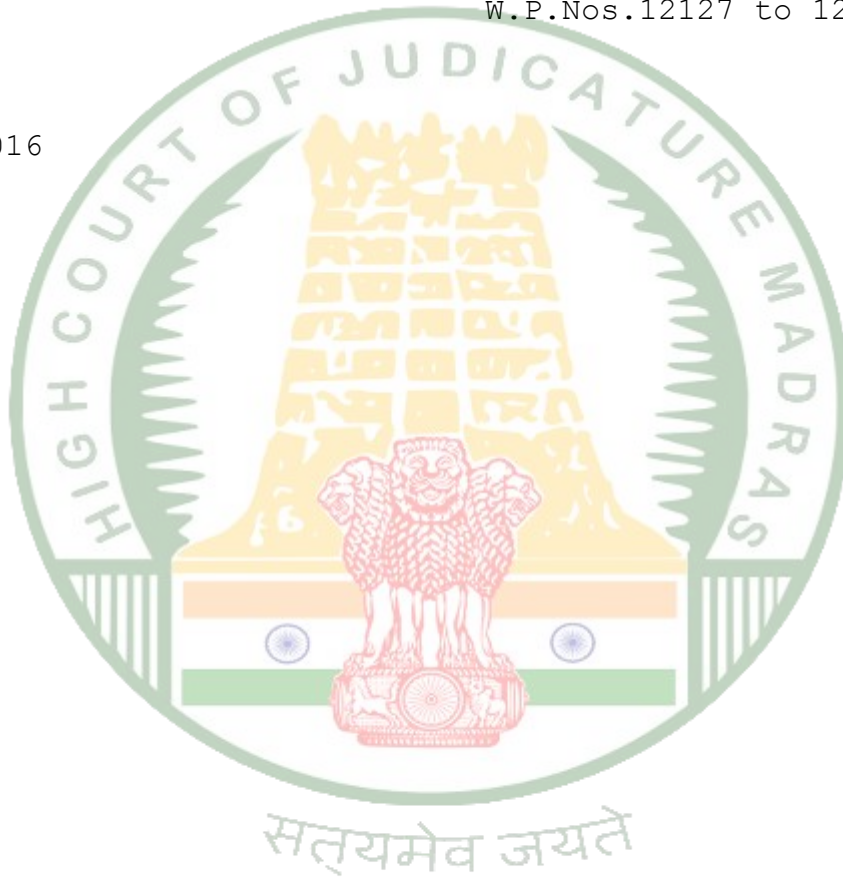
To

The Registrar,
University of Madras
Chepauk, Chennai 600 005.

+5 ccs to M/s.P.J.Rishikesh Advocate sr.21778 to 21782

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