

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P.No.34649 of 2016

M/s. Sakthi Body Works,
rep. by its Manager Mr. Rajkumar,
No.46, Poonamallee Bye-Pass Road,
Opp. MTC Bus Depot,
Poonamallee,
Chennai - 600 056.

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
2. The Superintending Engineer,
Mechanical Department,
Greater Chennai Corporation,
Rippon building, Chennai - 600 003.
3. The Zonal Officer,
Zone XII, Alandur,
Greater Chennai Corporation,
Chennai.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to pay a total sum of Rs.3,81,200/- (Rupees Three lakhs Eighty one thousand and two hundred only) with interest at 36% per annum from the date of bill submitted to till date.

For Petitioner : Mr.N. Beulah John Selvaraj

For Respondents : Mr.P.V. Selvakumar

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to pay a total sum of Rs.3,81,200/- (Rupees Three lakhs Eighty one thousand and two hundred only) with interest at 36% per annum from the date of bill submitted to till date.

2. The petitioner was given the work order on 21.10.2011 by the Commissioner, Alandur Municipality, Anna Maligai, Alandur, Chennai 16 with instruction to carry out some repair works and to rectify all the defects of Water Tanker Lorry bearing Registration No. TN 22 L 9159 and make it fit for obtaining F.C. Certificate and to return the lorry to the Alandur Municipality. Subsequently, Alandur Municipality got merged with Corporation of Chennai and became Zone XII of Corporation of Chennai. Thereafter, the petitioner company had placed a limited tender dated 30.01.2014 to carry out Fabrication & Mounting of Storm Water Drain Heavy Duty Pump Lifting arrangement by hydraulic arm - LMV Tipper Vehicle bearing Registration No. TN 22 BF 8905 and upon the said limited tender offered by the petitioner on 30.01.2014, the Assistant Executive Engineer (M) -V, North Chennai Depot, Corporation of Chennai, Chennai -21, had placed a work order to the petitioner vide letter dated 03.02.2014, requesting the petitioner to deposit a security deposit of 2% of Rs.1600/- and the petitioner had also executed an agreement with the Commissioner, Corporation of Chennai. Thus, the respondent Corporation of Chennai had placed work orders for the following vehicles:

- (i) TN 22 L 9159 :: Rs.89,000/-
- (ii) TN 22 AM 7657 :: Rs.98,000/-
- (iii) TN 22 AX 90157 :: Rs.99,400/-
- (iv) TN 22 AM 7652 :: Rs.94,800/-

3. As per the work order entrusted by the respondent Corporation, the petitioner company carried out all the rectification works and after obtaining FC certificates, all the above said vehicles are now in usage of the respondent Corporation. However, the above said amounts were not paid to the petitioner by the respondents. Hence, the petitioner wrote a letter on 04.02.2013 to the Zonal Officer, Zone XII, Alandur, Chennai - 16 requesting him to take necessary steps to pay the amount. But, no action was taken by the Zonal Officer. Thereafter, the petitioner Company wrote another letter on 25.09.2013 to the 3rd respondent herein, giving full details of the work order numbers along with the registration numbers of vehicles concerned. However, till date, no payment has been made. In course of time, the Zonal Officer, Zone VII, Alandur,

Corporation of Chennai, wrote a letter to the Commissioner, Theni Allinagar Municipality, Theni, requesting him to direct Mr.S. Surulinathan to hand over all the files pertaining to the above work orders of the vehicles, since at the relevant point of time, he was working in Alandur Municipality and on transfer to Theni Alli Nagar Municipality, he failed to hand over the files and had taken all the files with him. Thereafter, when the petitioner, again, wrote a letter to the Appellate Officer, Zonal Officer, Zone - XII, Corporation of Chennai, Chennai - 16, under Right to Information Act, vide letter dated 07.01.2015, the petitioner was informed that one Mr.S. Surulinathan, who was handling the files, had been transferred to Theni Alli Nagar Municipality and that he had failed to hand over the files, on his transfer. Since payment has not been made for the work done, the petitioner has come before this Court for the relief aforesaid.

4. Heard both sides.

5. It is seen from the records that the petitioner has completed the work entrusted to it, however, the payment is yet to be made by the respondents, as evident from the communication of the 3rd respondent dated Nil, January, 2015. Further, as per the information furnished by the Appellate Officer, under the RTI Act, steps are being taken to secure the required files from the officer concerned. Therefore, the respondents are directed to take a decision, with regard to the payment, due to the petitioner, and disburse the amount, within a period of eight weeks from the date of receipt of a copy of this order. In the event of failure to comply with the aforesaid direction, within the stipulated time, the authority concerned shall appear before this Court.

6. The writ petition is disposed of accordingly. No costs. Post the writ petition "For Reporting Compliance" after 10 weeks from today.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.

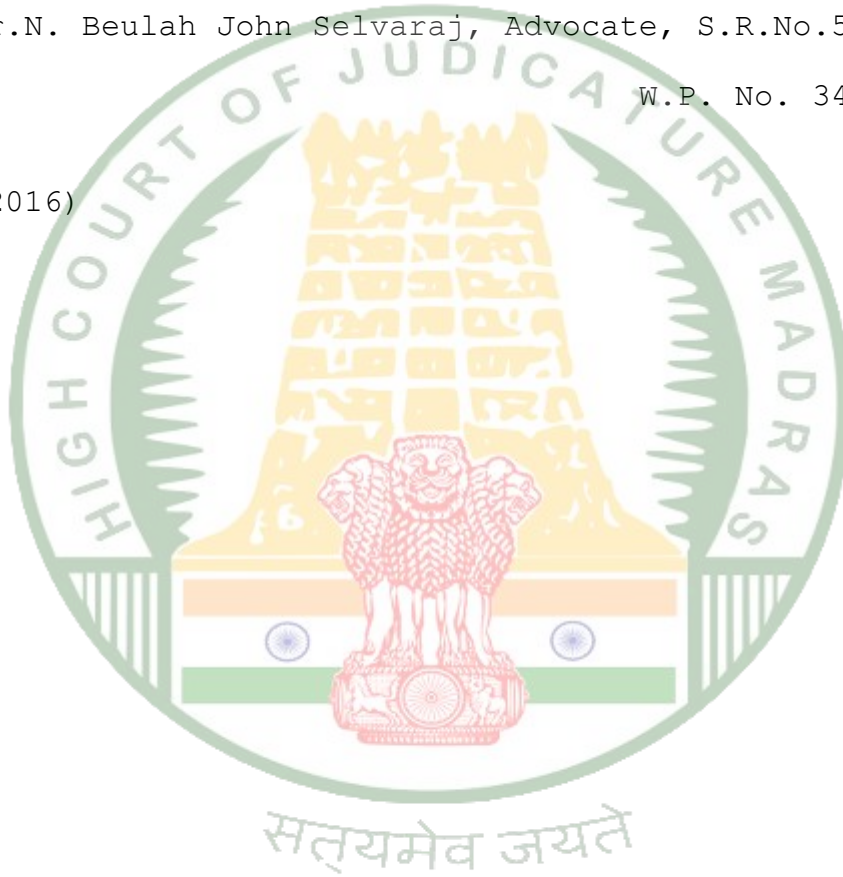
2. The Superintending Engineer,
Mechanical Department,
Greater Chennai Corporation,
Ripon building, Chennai - 600 003.

3. The Zonal Officer,
Zone XII, Alandur,
Greater Chennai Corporation,
Chennai.

+lcc to Mr.N. Beulah John Selvaraj, Advocate, S.R.No.56261

W.P. No. 34649 of 2016

NR(CO)
CA(24/10/2016)



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