

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43044 of 2016

R.Senthil Kumar

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Road,
Chepauk, Chennai-600 005.
2. The Executive Engineer,
Maintenance Division,
Tamil Nadu Water Supply and Drainage Board,
Hanging Garden,
Cherry Road,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the admitted amount of Rs.1,47,115/- based on the petitioner's representation dated 15.06.2016 along with interest at the rate of 9% p.a. towards the final settlement of the bills for the works done by the petitioner under the work order issued by the second respondent.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.R.Ganesh Babu

ORDER

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner claims to be a Civil Engineering Contractor and he was frequently engaged by the second respondent in doing works in connection with the maintenance of water supply and drainage systems. The second respondent has issued a notification dated 09.04.2010 for Annual Maintenance Contract for the operation and maintenance of sump, pump-sets and pumping mains in sumps at Palamedu, K.Mettur, Mettukaddu, Sathiyaganagar etc. The petitioner has submitted his tender and on consideration, Work Order was

issued by the second respondent, vide proceedings dated 12.04.2010 and an agreement also came into being between the petitioner and the second respondent for the value of Rs.6,40,498.50. Subsequently, the first respondent has delegated his powers to the Executive Engineer to extend the existing Maintenance Contracts to 30.06.2011 and allowed all the contractors to continue the maintenance works and once again it was extended upto 30.11.2011. The petitioner claims that he has performed his duty correctly and also rendered qualitative service. The grievance expressed by the petitioner is that despite completion of work and raising a bill for Rs.1,47,115/-, it has not been paid so far and in this regard, the petitioner has also submitted a representation dated 15.06.2016 to the respondents to settle the amount and inspite of receipt of the same, the amount has not been paid and hence, came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that though nearly 5 years had lapsed and despite frequent communications and personal representations, the bill amount has not been settled and therefore, the petitioner has been constrained to file this writ petition.

4. Heard the submissions of Mr.R.Ganesh Babu, learned counsel who accepts notice on behalf of the respondents and perused the materials available on record.

5. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the respondents to consider and dispose of the petitioner's representation dated 15.06.2016 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jvm

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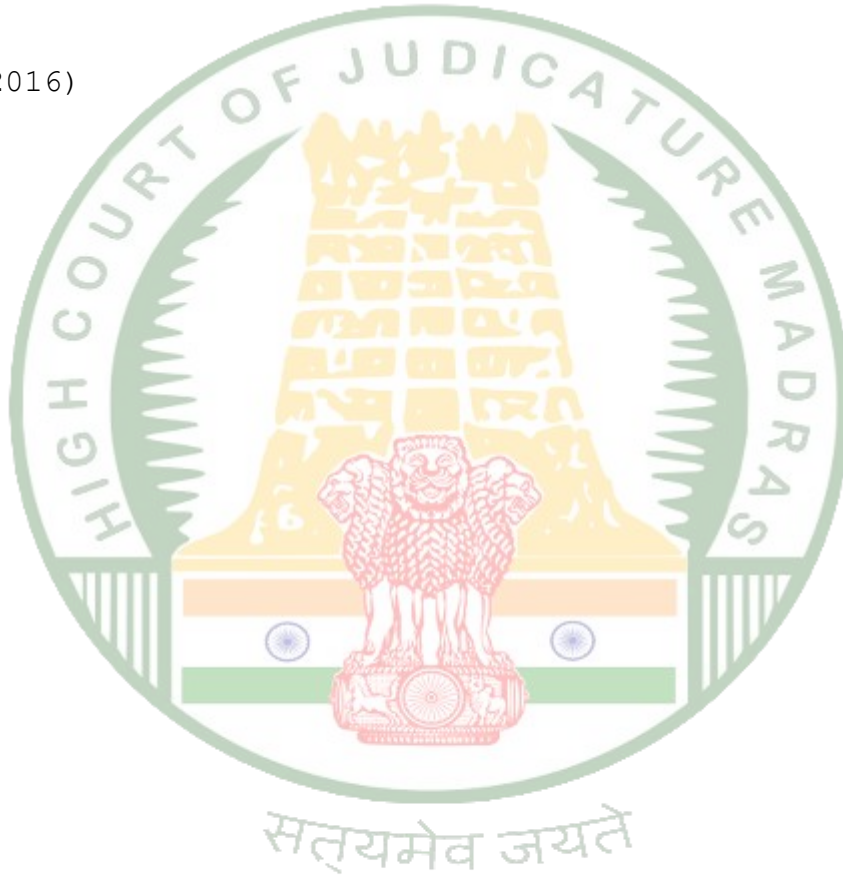
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2. The Executive Engineer,
Maintenance Division,
Tamil Nadu Water Supply and Drainage Board,
Hanging Garden,
Cherry Road, Salem.

+1cc to Mr.R.Ganesh Babu, Advocate, S.R.No.72556
+1cc to Mr.S.Venkatesh, Advocate, S.R.No.72855

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NRI (CO)
CA(30/12/2016)



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