

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.4802 of 2017

and

W.M.P.No.5033 of 2017

M/s.KCP Engineers Pvt. Ltd.,
Rep. by its Managing Director,
K.Chandraprakash,
S/o Krishnakumar,
117-B, Periyar Nagar,
Puliyakulam,
Coimbatore-641 045

... Petitioner

Vs.

1. The Managing Director,
ELCOT
2nd Floor, MHU complex,
692, Anna Salai,
Nandanam,
Chennai - 600 035.

2. The Inspector General of Registration,
Santhome,
Chennai - 600 028

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to make the payment of Rs.1,14,26,900/- towards the work already carried out by the petitioner to continue the execution of work as per work order Nos. viz. 1) ELCOT/PROC/OT-32930/AMC-IP Camera/006/2016-17 DT. 03.11.2016 2) ELCOT/PROC/OT-32930/IGR-MANPOWER/004/2016-17 DATED 03.11.2016 and 3) ELCOT/PROC/OT-32930/IGR-DVD/005/2016-17 DT. 03.11.2016 on the file of the 1st respondent and also to direct the respondents 1) to replace the dead equipments, 2) to direct the Sub Registrars to countersign the attendance register 3) to direct the Sub Registrars to send reports to the 2nd respondent about the supply of DVDs by the petitioner and 4) to direct the Sub-Registrars to permit the Regional Service Engineer for attending the complaints and maintain the equipments.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.M.Vijayan for R1
for M/s.King & Patridge
Mr.R.Govindasamy,
Special Government Pleader for R2

O R D E R

The petitioner seeks for a Mandamus directing the respondents to make the payment of Rs.1,14,26,900/- towards the work already carried out by the petitioner to continue the execution of work as per work order Nos. viz. 1) ELCOT/PROC/OT-32930/AMC-IP Camera/006/2016-17 DT. 03.11.2016 2) ELCOT/PROC/OT-32930/IGR-MANPOWER/004/2016-17 DATED 03.11.2016 and 3) ELCOT/PROC/OT-32930/IGR-DVD/005/2016-17 DT. 03.11.2016 on the file of the 1st respondent and also to direct the respondents 1) to replace the dead equipments, 2) to direct the Sub Registrars to countersign the attendance register 3) to direct the Sub Registrars to send reports to the 2nd respondent about the supply of DVDs by the petitioner and 4) to direct the Sub-Registrars to permit the Regional Service Engineer for attending the complaints and maintain the equipments.

2. Heard the learned counsel for the petitioner, the learned counsel appearing for the first respondent and the learned Special Government Pleader appearing for the second respondent.

3. According to the petitioner, they executed the work of installing IP Camera, deployment of Manpower and supply of DVD to Registration Department for two years in all the 575 Sub Registrars office all over Tamil Nadu, 9 DIG of Registration Offices and IG of Registration Office, Chennai, in pursuant to tender notification issued by the 1st respondent followed by issuing work order in their favour on 03.11.2016. According to the petitioner, they appointed 575 computer operators in all the 575 Sub-Register Office on 06.11.2016 itself and the first respondent is bound to make the payment to the tune of Rs.1,14,26,900/-. As the said payment was not made, the petitioner has come forward with the present writ petition.

4. The first respondent has filed a counter and disputed the claim of the petitioner. Learned counsel for the respondent also pointed out that the petitioner has to resort to the remedy under the Arbitration Act in view of the specific Clause contained in the Agreement entered into between the petitioner and the first respondent.

5. Though the present writ petition is filed seeking for a Mandamus as stated supra, the learned counsel for the petitioner

submitted that suffice a direction is issued to the 2nd respondent to send a report to the first respondent in respect of the works done by the petitioner in the Registration Department. Therefore, this Court, at this stage, is inclined to pass only a limited order of directing the second respondent to send a report to the first respondent based on a fresh application to be filed by the petitioner seeking for furnishing such report to the first respondent. Whether the petitioner is entitled to the sum claimed by them or not is for the respective parties to agitate on its own merits and if any dispute arises thereafter, it is for the petitioner to work out the remedy only by way of arbitration, as provided under the agreement. Thus, this writ petition is disposed of only with the following directions.

a) The petitioner shall make a fresh application to the second respondent for sending the report to the first respondent in respect of the works carried out by them in pursuant to the tender floated by the first respondent. Such application shall be filed by the petitioner within a period of two weeks from the date of receipt of a copy of this order.

(b) On receipt of such application, the second respondent shall consider the same and send a report to the first respondent within a period of twelve weeks thereafter also by forwarding a copy of the same to the petitioner.

(c) On receipt of the report from the second respondent, it is open to the first respondent to pass appropriate orders on merits and in accordance with law.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vsi

To

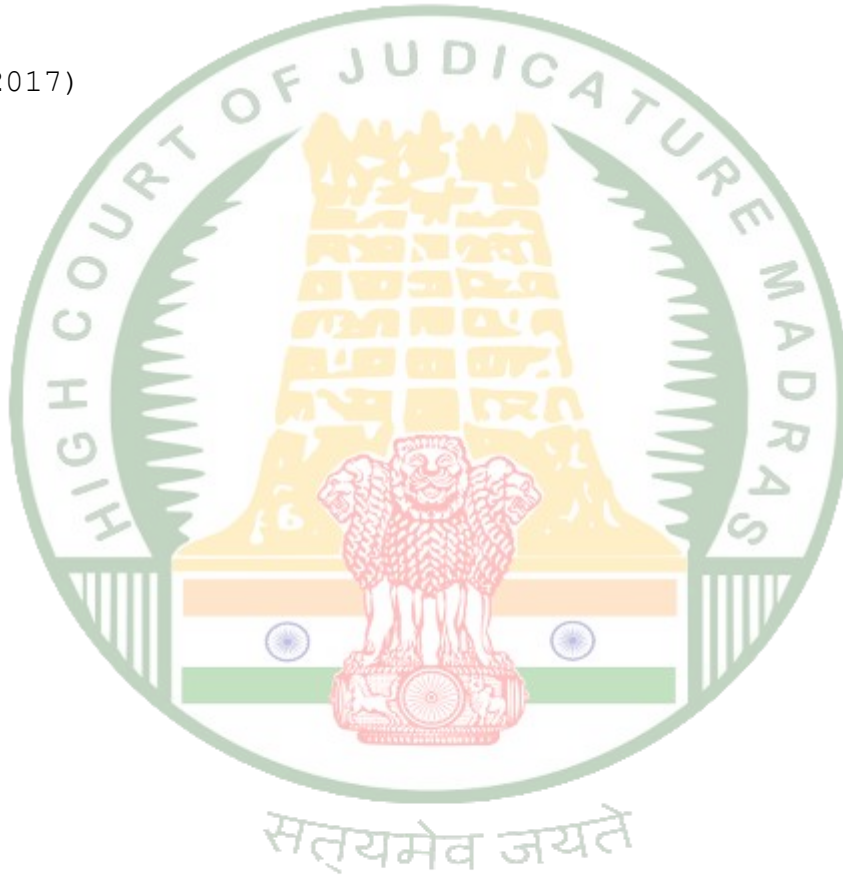
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2. The Inspector General of Registration,
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Chennai - 600 028

+1cc to the Government Pleader Sr. 72857
+1cc to Mr.S.Doraisamy, Advocate Sr. 72779
+1cc to King & Partridge, Advocate Sr. 73118

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MN (CO)
VR(12/10/2017)



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