

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16900 OF 2010

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ, order or direction particularly in the nature of mandamus declaring the action of the respondent restricting petitioner claim to Rs.1,50,000/- against the payable amount of Rs.4,03,200/- for work done by petitioner in pursuance of Article of agreement dated 2-7-2009 in ROC No:H1/15633/2009 is illegal, arbitrary, violation of principles of natural justice and consequently direct the respondent to pay the entire amount of Rs.4,03,200/- to petitioner in the interest of justice.”

2. Learned counsel for the petitioner mainly contended that even though the petitioner claimed an amount of Rs.4,03,200/-, without there being any reason or giving an opportunity of hearing to the petitioner herein, the respondent Corporation reduced the amount to Rs.1,50,000/- and that no reasons were stated for reduction of the said amount even though he has completed his work as per the terms and conditions of the agreement of contract.

3. Learned Standing Counsel appearing for the respondent Corporation submitted by way of filing counter that the petitioner failed to comply with the mandatory terms and conditions of the agreement of contract and he has not executed the contract as per the said terms and conditions.

4. Considering all the facts and circumstances of the case, this Court, without expressing any opinion on the contentions of both

the parties, is of the view that whenever the respondent Corporation wants to reduce the amount against the claim of the petitioner, necessarily, the petitioner ought to have been given an opportunity to explain if there is any violation of the mandatory terms and conditions of the agreement in execution of the contract. The present stand taken by the learned Standing Counsel for the respondent Corporation is without giving opportunity to the petitioner and without recording the reasons for reduction of the said amount. Hence, the petitioner is directed to give a representation to the respondent Corporation seeking his claim by informing the basis on which he is claiming that amount and on such representation being filed, the respondent Corporation shall dispose of the same within a period of three (3) months thereafter after giving the opportunity of hearing to the petitioner.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

10.2.2017
AMD

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Date: 10.2.2017

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