

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22700 OF 2009

ORDER:

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

“to issue a writ or order or direction in the nature of writ of Mandamus declaring the action of the respondents not inclusion 1% of the labour cess in the estimated cost (original contract value and supplemental value) of contract works allotted to the petitioner covered by the agreement No.5/2007-2008 dated 13.04.2007 and supplemental agreement No.5A/2007-2008 dated 30.05.2007, Supplemental Agreement 5B/2007-2008 Dated 3-10-2007 and Supplemental Agreement 5C/2007-2008 dated 29.10.2008, is illegal, arbitrary and violation of principles of natural justice and consequently direct the respondents to revise the estimated costs by inclusion of 1% labour cess and to release the bill amounts including Rs.86,000/-.”

2. Heard and perused the material available on record.
3. This Court, by an order, dated 23.10.2009, in W.P.M.P.No.29477 of 2009, directed the respondents to consider inclusion of 1% labour cess in all the estimates of the works allotted to the petitioner duly revising the estimates, covered by the agreement No.5/2007-2008, dated 13.04.2007, and supplemental agreement Nos.5A/2007-2008, dated 30.05.2007, 5B/2007-2008, dated 03.10.2007 and 5C/2007-2008, dated 29.10.2008, and pass appropriate orders as per law within a period of two weeks from the date of receipt of a copy of that order and communicate the same to the petitioner. The writ petition pertains to the year 2009.

The agreement also pertains to the year 2007-2008. Till date, no counter is filed and no communication is received. When the matter is called, learned counsel for the petitioner is called absent and there is no representation on his behalf. Hence, the interim order, dated 23.10.2009, in W.P.M.P.No.29477 of 2009 is made absolute.

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

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

Date: 07.09.2017
AMD

JUSTICE RAJA ELANGO



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