

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.08.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.22363 of 2018

M/s.Rock & Arch Constructions (India) Private Limited,
No.72, Mudali Thottam,
Veerappan Chatram (Post),
Erode - 638 004,
Rep.by its Managing Director,
P.K.Duraisamy.

.. Petitioner

Vs

The Superintending Engineer,
Water Resources Department,
Public Works Department,
Palar Basin Circle,
Chepauk, Chennai - 600 005.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondent to make payment to the petitioner for the execution of work viz., De-silting of 1,02,300 Cubic Metres Soil/earth and to refund the caution deposit of Rs.3.00 crores (Rupees Three Crores) for the execution of work viz., "Rehabilitation of Porur Tank in Thiruvallur and Kancheepuram District for Creating of additional Storage".

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.V.Jayaprakash Narayanan
Special Government Pleader

सत्यमेव जयते
ORDER

The prayer sought for in the writ petition for a mandamus, directing the respondent to make payment to the petitioner for the execution of work viz., De-silting of 1,02,300 Cubic Metres Soil/earth and to refund the caution deposit of Rs.3.00 crores (Rupees Three Crores) for the execution of work viz., "Rehabilitation of Porur Tank in Thiruvallur and Kancheepuram District for Creating of additional Storage".

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

3. The learned counsel for the petitioner submitted that in the auction conducted by the respondent the petitioner has

become a successful bidder, for execution of work viz., "Rehabilitation of Porur Tank in Thiruvallur and Kancheepuram District for Creating of additional Storage". The allegation of the petitioner is that he deposited a sum of Rs.3 crores towards Caution Deposit for removing the earth as 3,95,243 Cubic Metre, but, due to the delay caused by the respondent, he removed only 300000 Cubic Metre. Hence, he made a representation dated 31.5.2018 to respondent to make payment for De-silting work done and also to refund a sum of Rs.3.00 crores. Since, the same was not considered, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the respondent submitted that the representation of the petitioner would be considered on merits and in accordance with law.

5. In the light of the limited scope of the matter, having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 31.05.2018, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as all the necessary parties if any, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

ms

To

The Superintending Engineer,
Water Resources Department,
Public Works Department,
Palar Basin Circle,
Chepauk, Chennai - 600 005.

+1cc to Mr.S.Doraisamy Advocate, S.R.No. 59561

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GN(04/09/2018)