



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 05TH DAY OF AUGUST 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.750 of 2014

P.Kandasamy
Son of Perumal Gounder
Melkadu, Sanarpatti Post,
Mettur Taluk, Salem District. ... Plaintiff

Vs

1. Tamil Nadu Water Supply Drainage Board,
By its Managing Director,
No.31, Kamarajar Salai,
Chepauk, Chennai 5.
2. Executive Engineer,
Tamil Nadu Water Supply Drainage Board,
RWS Division,
Karur 1.
3. Chief Engineer,
Tamil Nadu Water Supply Drainage Board,
No.30, Bharathi Park Road, Siruvani Nagar,
Coimbatore 43.
4. Superintending Engineer,
Tamil Nadu Water Supply Drainage Board,
ETK Circle, Arumugam Street,
Tirunagar Colony, Erode. ... Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a judgment and decree in favour of the plaintiff:

a) directing the defendants to pay a sum of Rs.3,33,98,307/- (Three Crores thirty three lakhs ninety eight thousand three hundred and seven only) which carries interest at 18% per annum as per TWAD Board Regulations.

b) Directing the defendants to pay costs.



WEB COPY

This Suit having been heard on 18.07.2019 in the presence of Mr.R.Subramanian, Advocate for the Plaintiff herein and Mrs.S.Thamizharasi, Advocate for the Defendants herein and upon reading the plaint filed herein, and perusing the evidence adduced therein, and the other exhibits therein referred to and having stood over for consideration till this date and coming on this day before this court for orders in the presence of the said advocate for the parties hereto, and this court having observed that the plaintiff has been paid a sum of Rs.41,89,574/- as a part of the final payment made pursuant to the order in the Writ Petition in WP No.10942 of 2011, the plaintiff apparently wants to take advantage of entries in LS 21 which shows that the amount payable under the said Bill is kept under deposit, but while calculating the amount due and payable to the plaintiff, pursuant to the orders of this Court in WP No.10942 of 2011, the defendants have included the amount of Rs.41,89,574/- in the amounts payable to the plaintiff and has paid the balance amount after deducting Rs.1,00,00,000/- as per the directions of this Court, and this court therefore, find that the plaintiff is not entitled to a decree for a sum of Rs.41,89,574/- which had already been paid over to the plaintiff,

It is ordered and decreed as follows:-

That the defendants herein, do pay to the plaintiff herein, for a sum of (*) **Rs.27,30,402/- (Rupees Twenty Seven Lakhs Thirty Thousand Four Hundred and two only)** at the rate of interest 9% p.a. on the sum of Rs.54,45,440/- (Rupees fifty four lakhs forty five thousand four hundred and forty only) from 05.07.2011 to 01.02.2017.

2. That the defendants herein, do pay to the plaintiff herein, for a sum of Rs.95,26,639.86/- (Rupees ninety five lakhs twenty six thousand six hundred and thirty nine and paise eighty six only) with further



interest at the rate of 6% p.a on the sum of Rs.46,96,428/- (Rupees forty six lakhs ninety six thousand four hundred and twenty eight only) from this date till the date of realization.

3. That the suit claim for a sum of Rs.7,90,030/- (Rupees seven lakhs ninety thousand and thirty only) towards maintenance work and a sum of Rs.41,89,574/- (Rupees forty one lakhs eighty nine thousand five hundred and seventy four only) claimed under LS 21 and part Bill is rejected and the suit in respect of the said claim shall stand dismissed.

4. That the defendants herein, do pay to the plaintiff herein, the proportionate costs of this suit, as and when taxed by the taxing officer of this court, noted in the margin thereof.

WITNESS THE HON'BLE SHRIMATI.VIJAYA KAMLESH TAHILRAMANI, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 05th DAY OF AUGUST 2019.

Sd./-

ASSISTANT REGISTRAR(O.S.I)

**(*) Corrected as per order
dated 01.11.2021 made
in A.No.3750 of 2021 in
C.S.No.750 of 2014**

Sd./- (15.11.2021)

ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



SK

20.09.2019

4

C.S.No.750 of 2014

DECREE:

DATED:05.08.2019

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL:19.10.2019
12.11.2021

APPROVED ON: 21.10.2019
15.11.2021