

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.6657 of 2016

Vinay Somarapu,
S/o.S.Mohan Reddy,
Managing Partner,
M/s.Srichakra Combines,
MIG 60, New Santosh Nagar,
Saidabad, Hyderabad - 500 059.

.. Petitioner

Vs.

1. National Buildings Construction Corporation Ltd.,
Government of India,
SBG Office,
ESIC Hospital Campus,
K.K.Nagar, Chennai - 600 078.
2. National Buildings Construction Corporation Ltd.,
Government of India,
Legal Wing, Head Office,
NBCC House, Lodhi Road,
New Delhi - 110 003.
3. The Superintending Engineer,
TWAD Board, Nilgiris Circle,
Coimbatore - 18.
4. The Executive Engineer,
TWAD / RWS Division,
175-A, Shola House,
Mount Pleasant,
Ooty, Coimbatore District.

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider and pass order on the petitioner's representation dated 24.09.2015 requesting the respondents 1 and 2 to take necessary steps to pay the extra claim amount to us for the work done at Ooty Drainage Scheme Laying gravity main sewages from Vannarpet to pumping Station at Children's park relating to agreement No.SECR/NC/9/94-95 and Work order No.15551.

For Petitioner : Mr.V.R.Appaswamee

For RR3 & 4 : Mr.R.Ganesh Babu
Standing Counsel

For RR1 & 2 : Served - No appearance

O R D E R

This Writ Petition is filed by the petitioner seeking a direction to the respondents 1 and 2 to consider and pass order on his representation dated 24.09.2015 requesting the respondents 1 and 2 to take necessary steps to pay the extra claim amount to them for the work done at Ooty Drainage Scheme Laying gravity main sewages from Vannarpet to pumping Station at Children's park relating to agreement No.SECR/NC/9/94-95 and Work order No.15551.

2. The case of the petitioner is that he is the Managing Partner of M/s.Srichakra Combines, a Registered Contractor. On 21.03.1994 a work order was issued by the TWAD Board in favour of the National Buildings Construction Corporation Ltd. to do the work at Ooty Drainage Scheme Laying for Gravity Main Sewages from Vannarpet to Pumping Station at Children's Park. On 01.11.1994 the petitioner had participated in the tender and got the order and an agreement was entered between the petitioner and the NBCC vide agreement No.SECR/NC/9/94-95 and Work order No.15551. After completion of work, a completion certificate was issued in favour of the petitioner. After the completion of work, the petitioner claimed extra amount for a sum of Rs.79,45,000/- from NBCC. In this regard a meeting was held between the TWAD Board and the NBCC and the claim was admitted, but the TWAD Board failed to sanction the extra claim amount. The NBCC has filed a suit against the TWAD Board claiming the amount payable to the petitioner. Subsequently, the suit was dismissed for default. On 01.06.2013, the petitioner sent a representation to the first respondent/NBCC requesting the payment and to take necessary steps to restore the suit. But there was no response from the NBCC. Hence, he made another representation on 24.09.2015 to the respondents requesting to take necessary steps to pay the extra claim amount, but till date no action has been taken by the respondents. Hence, the mandamus is sought for.

3. Heard Mr.V.R.Appaswamee, learned counsel appearing for the petitioner and Mr.R.Ganesh Babu, learned Standing Counsel appearing for the respondents 3 and 4. Though notice has been served on the respondents 1 and 2 and their names have been printed in the cause-list, there is no representation on behalf of the respondents 1 and 2.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondents to consider the petitioner's representation dated 24.09.2015 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

rsi

Sub Assistant Registrar

To

1. National Buildings Construction Corporation Ltd.,
Government of India,
SBG Office,
ESIC Hospital Campus,
K.K.Nagar, Chennai - 600 078.
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Government of India,
Legal Wing, Head Office,
NBCC House, Lodhi Road,
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3. The Superintending Engineer,
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Coimbatore - 18.
4. The Executive Engineer,
TWAD / RWS Division,
175-A, Shola House,
Mount Pleasant,
Ooty, Coimbatore District.

+1 cc to Mr.R.Ganesh Babu, Advocate, S.R.No.10609

+1 cc to Mr.V.R.Appaswamee, Advocate, S.R.No.10849

W.P.No.6657 of 2016

SSD(CO)
SSM(11/03/2019).