

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.10.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition Nos.29389, 29393,
29395, 29398, 29401 and 29402 of 2019
and
W.M.P.Nos.29228, 29232, 29236, 29239,
29241 and 29244 of 2019

M/s Anna Infra Developers Limited
Represented by its Director,
Mr.Ravindran,
Door No.2/9, AN Towers,
Dr.Sathyamoorthy Hospital Opp.Road,
2/5, Perundurai Road,
Erode 638 011.

.. Petitioner in all
petitions

/versus/

1.The Superintending Engineer,
Storm Water Drain Department,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.

.. Respondents in
all petitions

Prayer in W.P.No. 29389/2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's letter dated 03.06.2019 and pay the price escalation bill amount to the petitioner in respect of the bill received for the period 8/2016 to 4/2019 from the petitioner in regard to the construction of integrated Storm Water Drains in Coom Watershed of Coom basin in expanded areas of Chennai Corporation-Package 10.

Prayer in W.P.No. 29393/2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ

of Mandamus directing the 1st respondent to consider the petitioner's letter dated 03.06.2019 and pay the price escalation bill amount to the petitioner in respect of the bill received for the period 8/2016 to 12/2018 from the petitioner in regard to the construction of Integrated Storm Water Drains in Padikuppam Watershed of Coom basin in expanded areas of Chennai Corporation-Package 15.

Prayer in W.P.No. 29395/2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's letter dated 03.06.2019 and pay the price escalation bill amount to the petitioner in respect of the bill received for the period 8/2016 to 11/2018 from the petitioner in regard to the construction of Integrated Storm Water Drains in Padikuppam Watershed of Coom basin in expanded areas of Chennai Corporation-Package 16.

Prayer in W.P.No. 29398/2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's letter dated 03.06.2019 and pay the price escalation bill amount to the petitioner in respect of the bill received for the period 8/2016 to 9/2018 from the petitioner in regard to the construction of Integrated Storm Water Drains in Padikuppam Watershed of Coom basin in expanded areas of Chennai Corporation-Package 17.

Prayer in W.P.No. 29401/2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's letter dated 03.06.2019 and pay the price escalation bill amount to the petitioner in respect of the bill received for the period 8/2016 to 12/2018 from the petitioner in regard to the construction of Integrated Storm Water Drains in Nandambakkam Watershed of Adyar basin in expanded areas of Chennai Corporation-Package 37.

Prayer in W.P.No. 29402/2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's letter dated 03.06.2019 and pay the price escalation bill amount to the petitioner in respect of the bill received for the period 8/2016 to 09/2018 from the petitioner in regard to the construction of Integrated Storm Water Drains in Nandambakkam Watershed of Adyar basin in expanded areas of Chennai Corporation-Package 38.

For Petitioner :Mr.P.Rajkumar
(in all cases)

For Respondents :Mrs.Karthikaa Ashok,
(in all cases) Standing Counsel

COMMON ORDER

Heard Mr.P.Rajkumar, learned counsel appearing for the petitioner and Mrs.Karthikaa Ashok, learned Standing Counsel, who takes notice for the respondents.

2.The case of the petitioner is that he entered into a contract with the Chennai Corporation for constructing Strom Water Drainage. As per Clause 14.5 of the contract any escalation in price of labour, material and other inputs, the contractor is entitled to seek price adjustment. After completion of the work, he has been repeatedly seeking for price escalation and provided the Table of Adjustment Data as contemplated under Clause 45.1. However, the 1st respondent has not considered his request. Hence, he is before this Court seeking Writ of Mandamus to direct the 1st respondent to consider his request for price escalation.

3. The last communication from the petitioner to the 1st respondent seeking price escalation is dated 03.06.2019.

4. The learned standing counsel appearing for the respondents would submit that the contract is of the year 2015 and the request for price escalation is made belatedly.

5. This statement is refuted by the learned counsel appearing for the petitioner.

6. Without adverting to the merits of these cases on the rival submissions, these writ petitions are disposed of with a direction to the 1st respondent to dispose of the representation of the petitioner dated 03.06.2019 on merits, within a period of three months from today. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Superintending Engineer,
Storm Water Drain Department,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.

+1cc to Mr.P.Rajkumar Advocate, SR.No.85920
(dated : 17.10.2019)

+1cc to M/s.Karthikaa Ashok, Advocate, SR.No.85993
(dated :17/10/2019)

W.P.Nos.29389, 29393, 29395,
29398, 29401 & 29402 of 2019

Kak(16/10/2019)



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