

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

WRIT PETITION NOS.31442 & 31364 OF 2018

A.Ambika ... Petitioner in W.P.No.31442 of 2018
P.Kandasamy ... Petitioner in W.P.No.31364 of 2018

Vs.

1. The Tamilnadu Water Supply & Drainage Board,
By its Managing Director,
Chepauk, Chennai - 5.
 2. The Chief Engineer,
Tamil nadu Water Supply & Drainage Board,
Vellore.
 3. The Executive Engineer,
Tamil nadu Water Supply & Drainage Board,
RWS Division (Defunct Urban Division),
Villupuram.
- ... Respondents in W.P.No.31442 of 2018

1. The Chairman and Managing Director,
Tamilnadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai -600 005.
2. The Executive Engineer,
Tamilnadu Water Supply and Drainage Board,
Urban Division, Trichy.
3. The Finance Director,
Tamilnadu Water Supply and Drainage Board,
Chennai - 600 005.

... Respondents in W.P.No.31364 of 2018

PRAYER IN W.P.NO.31442 of 2018: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to direct the respondents to pay bank interest at the rate of 18% p.a. towards disbursing the part amount of sum of Rs.1,41,99,562/- from March, 2009 to 03.05.2016 to the petitioner as per the representation dated 06.08.2018.

PRAYER IN W.P.No.31364 of 2018: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to direct the respondents to pay banking interest at the rate of 18% p.a. towards the recovery of the sum of Rs.6,29,890/- for the alleged Non-production of Central Excise Duty exemption for the period from 10.03.2006 to 02.11.2018 as per the representation of the petitioner dated 19.09.2018 to the petitioner.

For Petitioner in both W.Ps. : Mr.M.Raja Sekhar

For all Respondents in
W.P.No. 31442 of 2018 : Mr.R.Ganesh Babu
for TWAD Board

For all Respondents in
W.P.No.31364 of 2018 : Ms.Tamilarasi
for TWAD Board

COMMON ORDER

These two writ petitions have been filed seeking to consider the representations of the petitioners dated 06.08.2018 and 19.09.2018 given to the first respondent respectively.

2.According to the petitioner in W.P.No.31442 of 2018, her husband is a water supply contractor. Her husband had become a successful bidder and the work contract was awarded to him. As per the work contract, her husband has completed the work and the respondents deliberately not disbursed the amount to her husband. According to her, there was a huge delay in non-payment of the balance amount to the petitioner. Therefore, her husband made a representation dated 06.08.2018 to the respondents in W.P.No.31442 of 2018, to pay interest at the rate of 18% p.a. towards disbursing the part amount of sum of Rs.1,41,99,562/- from March 2009 to 03.05.2006 to the petitioner.

3.According to the petitioner in W.P.No.31364 of 2018, the petitioner's father is an AC pipes supply contractor. His father had become a successful bidder and the work contract was awarded to him. As per the work contract, his father has completed the work and the respondents deliberately not disbursed the amount to his father. According to him, there was a huge delay in non-payment of the balance amount to the petitioner's father. Therefore, the petitioner's father made several representations to the respondents in W.P.No.31364 of 2018, to pay interest at the rate of 18% p.a. towards disbursing the part amount of sum of Rs.6,29,890/- from 10.03.2006 to 02.11.2018 to the petitioner.

4. The learned counsel appearing for the petitioners in both petitions drew the attention of this Court to the order of Division Bench of this Court dated 12.06.2018 passed in W.A.No.1008 of 2013. The facts of that case is squarely applicable to the facts of the instant case, wherein, this Court has directed the appellants therein, to pay interest for the delayed payment at the rate of 7% per annum.

5. The learned counsel appearing for the respondents in both petitions would submit that, the authority has to verify the factual aspects and averments made in the affidavit as to whether the said contract has been completed within the time stipulated. Therefore, only after verifying the same, the petitioners' representation will be considered by taking note of the Division Bench order of this Court.

6. In view of the submissions made by the counsel on either side, the first respondent in both the Writ Petitions, i.e., W.P.No.31442 & 31364 of 2018 are hereby directed to consider the representations dated 06.08.2018 & 19.09.2018 of the petitioners in both the writ petitions and pass orders on merits and in accordance with law by taking note of the order passed by the Division Bench of this Court in W.A.No.1008 of 2013 dated 12.06.2018, as expeditiously as possible, preferably, within a period eight weeks, from the date of receipt of a copy of this Order. These Writ petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Tamilnadu Water Supply & Drainage Board,
By its Managing Director,
Chepauk, Chennai - 5.
2. The Chief Engineer,
Tamil nadu Water Supply & Drainage Board,
Vellore.
3. The Finance Director,
Tamilnadu Water Supply and Drainage Board,
Chennai - 600 005.

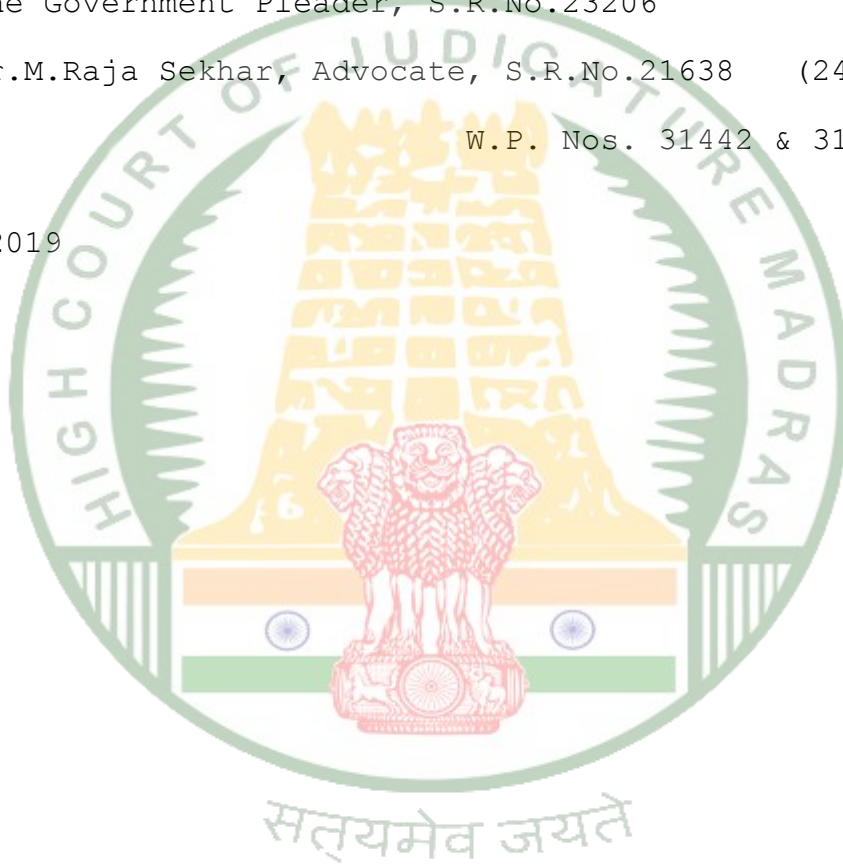
4. The Executive Engineer,
Tamil nadu Water Supply & Drainage Board,
RWS Division (Defunct Urban Division),
Villupuram.
5. The Executive Engineer,
Tamilnadu Water Supply and Drainage Board,
Urban Division,
Trichy.

+1cc to Mr.R.Ganesh Babu, Advocate, S.R.No.21984
+1cc to Mr.M.Raja Sekhar, Advocate, S.R.No.21637
+1cc to the Government Pleader, S.R.No.23206

+1cc to Mr.M.Raja Sekhar, Advocate, S.R.No.21638 (24.05.2019)

W.P. Nos. 31442 & 31364 of 2018

SSV(CO)
CS/25/04/2019



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