

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED 05.02.2019  
CORAM  
THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

WP.No.32864 of 2018

M/s.Karvembu & Co.,  
Rep. by its Partner,  
P.C.Shanmugasundaram,  
No.44, Erode Road,  
Muthur - 638 105,  
Tiruppur District.

...Petitioner

Vs

1.The Managing Director,  
Tamilnadu Water Supply and  
Drainage Board (TWAD Board),  
31, Kamarajar Salai,  
Chepauk,  
Chennai - 600 005.

2.The Executive Engineer,  
Tamilnadu Water Supply and  
Drainage Board (TWAD Board),  
Maintenance Division,  
172, 60 Feet Road,  
Kumaranandhapuram,  
Tiruppur.

3.The Administrative Engineer,  
Tamilnadu Water Supply and  
Drainage Board (TWAD Board),  
5(1), College Road, 2<sup>nd</sup> Cross,  
Odakadu,  
Tiruppur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents herein to release the payment of balance 25% of the estimated amounts for the works of operation and Maintenance of all the components under CWSS to Puravipalayam and 41 habitations in Erode & Tiruppur Districts awarded to them for the extended period from 01.04.2011 to 05.12.2011 together with 5% of the Additional Security Deposit withheld by them to the petitioner with interest at 24% per annum and within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan  
For Respondents: Mr.R.Ganesh Babu

O R D E R

The Writ Petition has been filed to direct the respondents to release the payment of balance 25% of the estimated amount for the contractual work awarded to the petitioner under CWSS to Puravipalayam and 41 habitations in Erode & Tiruppur Districts together with 5% of the Additional Security Deposit withheld by them to the petitioner with interest at 24% per annum.

2.It is the case of the petitioner that the petitioner was awarded with the contract work of Annual Maintenance of CWSS to Muthur-Kangeyam for the year 2010 - 2011 for operation and Maintenance, Main Pumping from Mettukadai to Valipanankadu, Varattukarai Booster Station and Valipanankadu Booster Station. In pursuance of awarding the contract, the petitioner had paid EMD and it was stipulated that the work should be completed within a period of 12 months. Even though the work period was from 01.04.2010 to 31.03.2011 as per the conditions, the work period was further extended from 01.04.2011 to 30.11.2011 and the petitioner was paid 75% of the estimated amount within a period of eight months. But, the respondents did not pay the balance 25% of the estimated amount along with 5% of security deposit on the total estimated amount. Hence, the petitioner is before this Court.

3.Now, the 1st respondent/Board has filed an affidavit of undertaking before this Court seeking four months time to release the amount withheld by them, with 5% additional security deposit without interest.

4.The learned counsel for the petitioner has not disputed the period for settling the amount to the petitioner, but, insisting upon to pay the reasonable interest for the delayed payment by the respondents.

5.Considering the said submissions, this Court is inclined to direct the 1st respondent/Board to release the withheld amount together with 5% of additional security deposit along with simple interest at the rate of 6% per annum, within a period of four (4) months from the date of receipt of a copy of this order. The affidavit of undertaking filed by the 1st respondent shall form part of the order.

The Writ Petition is disposed of, with the above direction.  
No costs.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Managing Director,  
Tamilnadu Water Supply and  
Drainage Board (TWAD Board),  
31, Kamarajar Salai,  
Chepauk,  
Chennai - 600 005.

2.The Executive Engineer,  
Tamilnadu Water Supply and  
Drainage Board (TWAD Board),  
Maintenance Division,  
172, 60 Feet Road,  
Kumaranandhapuram,  
Tiruppur.

3.The Administrative Engineer,  
Tamilnadu Water Supply and  
Drainage Board (TWAD Board),  
5(1), College Road, 2<sup>nd</sup> Cross,  
Odakadu,  
Tiruppur.

+1cc to Mr.K.Govi Ganesan, Advocate sr.no.10078  
+1cc to Mr.R.Ganesh Babu, Advocate sr.no.9658

W.P.No.32864 of 2018

sai(co)  
nr 14/03/2019

WEB COPY