



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.6919 of 2019

and

W.M.P. (MD) No.5523 of 2019

P.Nandha Kumar

... Petitioner

Vs

1.The Executive Engineer,
PWD/ WRD,
Thamirabarani Basin Division,
Tirunelveli -2.

2.The Special Chief Engineer / Superintending Engineer,
PWD/WRD,
Thamirabarani Basin Circle,
Tirunelveli-2.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the bills of the petitioner for the works done and completed by him without making any deductions towards liquidated damages till the completion of arbitration proceedings by considering the representation of the petitioner dated 28.01.2019.

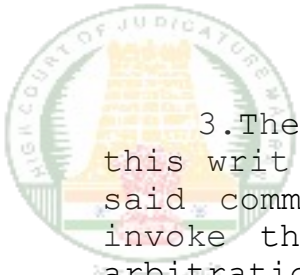
For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

The petitioner is a civil contractor. He had carried out certain works for the respondent. Disputes have arisen between the two. The petitioner wants this Court to direct the respondents to settle his bills for the works done, without making any deduction towards liquidated damages.

2.The petitioner's case is that the dispute is presently pending consideration before the Adjudicator. According to the petitioner, till the proceedings are over, the respondent should not make any deduction towards liquidated damages. But then, the petitioner's representation dated 28.01.2019 has already been negatived by the first respondent by a communication dated 15.02.2019.



3. Therefore, nothing survives for further consideration in this writ petition. It is for the writ petitioner to challenge the said communication. The petitioner is, ofcourse at liberty to invoke the remedies available to him under the law relating to arbitration.

4. With this observation this writ petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

pnn

To

1. The Executive Engineer,
PWD/ WRD,
Thamirabarani Basin Division,
Tirunelveli -2.

2. The Special Chief Engineer / Superintending Engineer,
PWD/WRD,
Thamirabarani Basin Circle,
Tirunelveli-2.

+1CC TO MR.C.HEROLD SINGH, Advocate Sr. No.61653
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.62077

W.P. (MD) No. 6919 of 2019

and

W.M.P. (MD) No. 5523 of 2019

22.04.2019

NR (CO)

TR (20.05.2019) 2P 5C