

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 14454 of 2019

Date : 16.7.2019

Between:

M/s Insituform Pipeline Rehabilitation Pvt Ltd
CIN U741400DL2008FTC174724
Rep by Amit Kumar Kalsi
O/o Regd Office a-22, 2nd floor,
New Delhi 110021

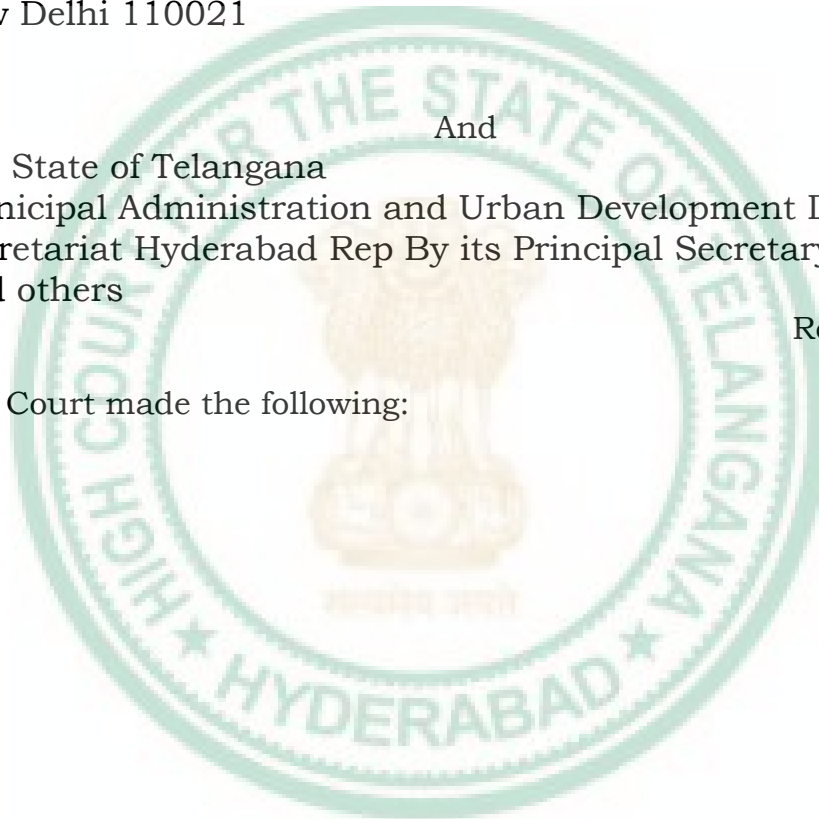
Petitioner

And

The State of Telangana
Municipal Administration and Urban Development Dept
Secretariat Hyderabad Rep By its Principal Secretary
And others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Revenue.

2. Contract was executed between the petitioner company and Hyderabad Metro Water Supply and Sewerage Board on 6.11.2017. This writ petition is filed alleging that respondent Board is illegally deducting 1 % labour cess and reliance is placed on interim directions issued by this Court in I A No. 1 of 2018 in W P No. 19599 of 2018.

3. As rightly pointed out by learned standing counsel for respondent Board labour cess is included as part of the agreement. In the 'Forwarding slip to accompany original agreement' dated 6.11.2017 (filed as material paper at page 13 of the paper book) at serial No. 1 (b) Estimate Contract Value is mentioned as 20,48,95,819.75 and labour cess at the rate of 1 % is mentioned as Rs.20,48,958.20. Similarly, at serial No.1 (5) 'Approximate value of work to be done under this agreement' total amount is mentioned including the 1 % labour cess.

4. Learned counsel for petitioner sought to contend that this labour cess is in addition to the contract value and the same cannot be collected. In the earlier writ petitions, this plea was accepted by the Courts and direction was issued not to deduct 1 % labour cess unless the same has been included in the estimates.

5. However, in the present case, as the amount of 1 % labour cess is included in the estimates and same forming part of the contract,

it is no more open to the petitioner to contend that respondent Board cannot deduct 1 % of the contract value towards labour cess.

6. There is no merit in the writ petition and the same is dismissed. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 16-7-2019
TVK



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