

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.16952 of 2020

P.Janakiraman

...Petitioner

Vs.

1 The Commissioner
Greater Chennai Corporation
Chennai 600 003.

2 The Superintending Engineer
Bus Route Roads Department
Greater Corporation of Chennai
Chennai 600 003.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to disburse the balance final bill amount of Rs. 30,00,000/- due towards 2.5 percentage of the value of the work done under the Letter of Acceptance dated 23.05.2015 in B.R.R.C.No.B1/0276/2015 dated 23.03.2015 and further sum of Rs.13,22,529/- spent for Track coat with interest demanded under the representations dated 07.03.2018 11.03.2019, 22.08.2019 and 10.01.2020.

For Petitioner : Mr.N.Manokaran
For Respondents: Ms.P.T.Ramadevi
Standing Counsel

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to disburse the balance final bill amount pursuant to the representations made by the petitioner.

2. The case of the petitioner is that he was a successful bidder in a tender that was called for by the first respondent Corporation. According to the petitioner, he completed all the works within the stipulated time. The further case of the petitioner is that he laid track coat work for nearly 2.50 km at the cost of Rs.13,22,529/-. According to the petitioner, the

Engineers belonging to the second respondent have also inspected the work after its completion and finalised the contract work. The petitioner also completed the six extra works.

3. It is stated that the defect liability period as provided under the agreement was for a period of three years after the expiry of project and till date, the respondents have not pointed out any defects in the work done by the petitioner. The grievance of the petitioner is that the respondents have not settled the amount that is due and payable for the extra work done by the petitioner and also the amount due and payable for the original contract, which was also successfully completed by the petitioner. Hence, the petitioner made several representations to the respondents, which did not evoke any response. Left with no other alternative, the present Writ Petition has been filed seeking for appropriate directions.

4. Heard Mr.N.Manokaran, learned counsel for the petitioner and Ms.P.T.Ramadevi, learned standing counsel for the respondents.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has already provided with all the particulars to the respondents while requesting for payment of the money for extra work done by the petitioner and also for the original contract, there shall be a direction to the first respondent to consider the representation made by the petitioner on 10.01.2020 and immediately take a decision within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs.

-s/d-

सत्यमेव जयते
Assistant Registrar

True Copy

Sub-Assistant Registrar

mra
To

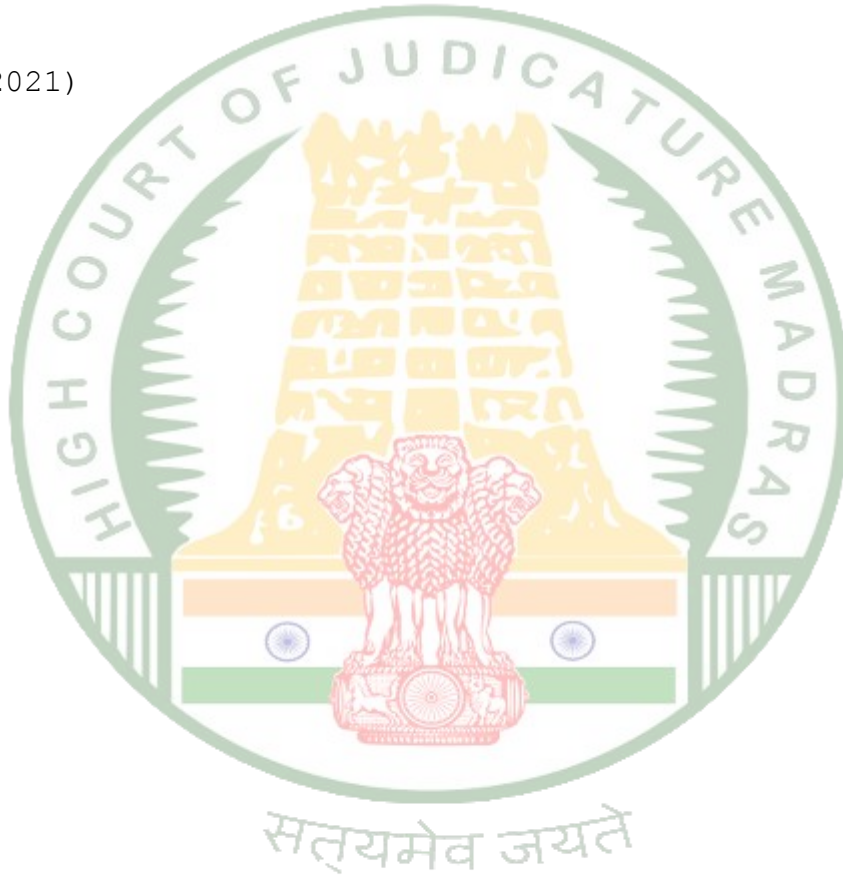
- 1 The Commissioner
Greater Chennai Corporation
Chennai 600 003.

2 The Superintending Engineer
Bus Route Roads Department
Greater Corporation of Chennai
Chennai 600 003.

+1 CC to Mr.N.Manokaran, Advocate sr 39527.
+1 CC to Ms.P.T.Ramadevi, Advocate sr 39666.

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SPD(CO)
SP(20/01/2021)



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