

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.24054 of 2019

V.Kannan

... Petitioner

Vs.

1. The Union Territory of Puducherry,
Represented by its Chief Secretary,
Union Territory of Puducherry,
Chief Secretariat,
Puducherry - 605001.
 2. The Chief Engineer, PWD,
No.34, Lal Bahadursastri Street,
Puducherry - 605001.
 3. The Superintending Engineer,
Circle - I, PWD,
No.14, Rue Eveche,
Puducherry - 605001.
 4. The Executive Engineer,
Buildings and Road (Central Division),
PWD, Labourdonais Street,
Puducherry - 605001.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents to consider the representation of the petitioner dated 29.10.2018 for the payment of works done by him as per the work order dated 31.08.2006 along with interest.

For Petitioner :Mr.Balu K

For Respondents:Ms.V.Usha

Additional Government Pleader (Puducherry)

ORDER

The petitioner herein and the first respondent have participated in an Arbitration proceedings before sole arbitrator with respect to providing Wearing Coat to the various roads in Urban limits in Pondicherry and sub-work of improvement to Anna Salai, S.V.Patel Salai, Subbiah Salai and Marimali Adigal Salai up to Indira Gandhi Square in Pondicherry. The Arbitration proceedings were completed on 29.03.2018 resulting in an award which is as follows:-

1. The Respondent do pay to the Claimant a sum of Rs.24,90,164 (Rupees Twenty Four Lakhs Ninety Thousand One Hundred and Sixty Four only).
Plus
2. The Respondent do pay to the Claimant a simple interest at a rate of 12%(Twelve percentage) per annum on Rs.12,53,514 (9,30,828+3,22,686) from 28.09.2018 till the date of payment of this amount of Rs.12,53,514.

2. The petitioner herein had given a representation on 29.10.2018 to the Executive Engineer, Buildings and Road (Central) Division, in which he has claimed payment of the award amount at the earliest. Pursuant to the representation, the present writ petition had been filed for the direction, directing the respondent to consider the said representation dated 29.10.2018.

3. A memo has been filed by the learned counsel for the respondents stating that an application under Section 34 of the Arbitration and Conciliation Act, 1996, had been filed before the Principal District Judge, Puducherry and an application to condone the delay in I.A.No.2288 of 2019 has also been filed which is now pending adjudication.

4. In view of the fact that the award had been challenged in manner known to law, the writ petition is closed and the Principal District Judge is requested to dispose the I.A.No.2288 of 2019 at the earliest. The writ petitioner is granted liberty of filing a fresh representation/writ petition depending on the nature of order in I.A.No.2288 of 2019. No costs.

Sd/-

सत्यमेव जयते

Assistant Registrar (CCC)

//True Copy//

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Sub Assistant Registrar

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To

1. The Union Territory of Puducherry,
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Union Territory of Puducherry,
Chief Secretariat,
Puducherry - 605001.

2. The Chief Engineer,
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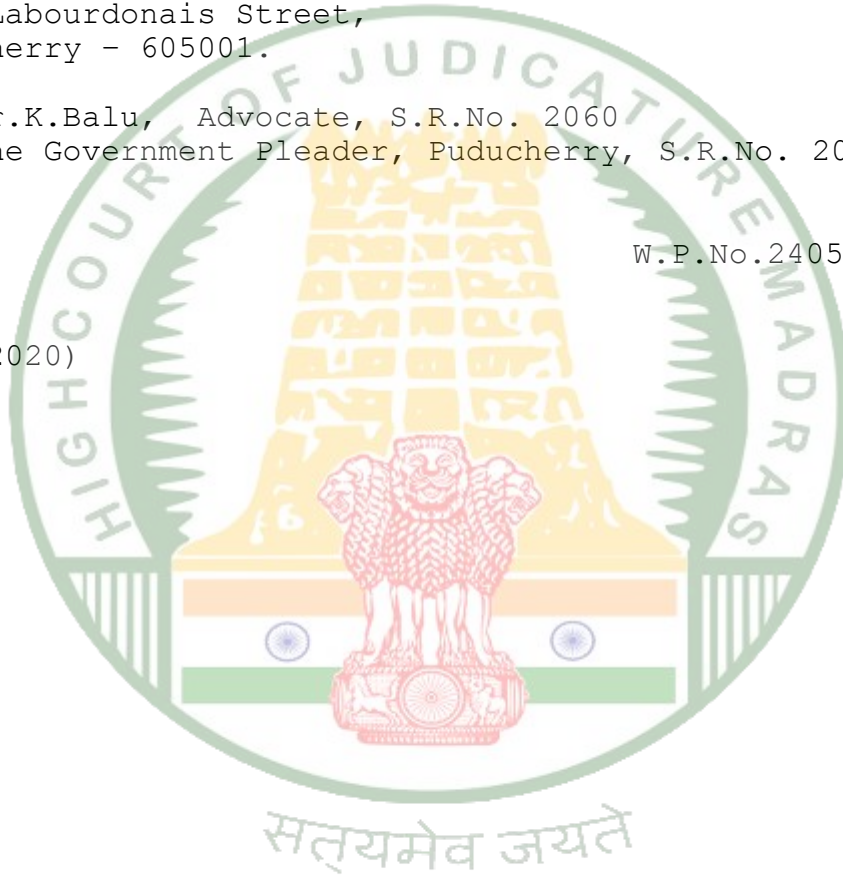
4. The Executive Engineer,
Buildings and Road (Central Division),
PWD, Labourdonais Street,
Puducherry - 605001.

+1cc to Mr.K.Balu, Advocate, S.R.No. 2060

+1cc to the Government Pleader, Puducherry, S.R.No. 2093

W.P.No.24054 of 2019

SR(CO)
GN(24/02/2020)



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