



WEB COPY

W.P.(MD)No.18928 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.18928 of 2020

and

W.M.P. (MD) .No.15854 of 2020

(Through the Video Conferencing)

P.S.Nelson

... Petitioner

Vs

1.Union of India,
represented by its Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan, New Delhi-110 001. (India).

2.The DGM Procurement,
CPO Hindustan petroleum Corporation,
Kappalur, Madurai-625 018.

3.K.V.Anilkumar,
Proprietor,
M/s.K.V.Anil Kumar" Kodath House,
Old Desom Road, Thottakatukara Post,
Aluva, Ernakulam District,
Kerala State-683 108.

4.Venkatesh,
Deputy General Manager,
Rail India Technical and Economic Service (RITES),
First Floor, 84, Thiruvalluvar Street,
Pasumpon Nagar, Palanganatham,
Madurai-625 003.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representations dated 12.08.2020, 31.07.2020 and 15.09.2020.

For Petitioner : Mr.S.Haja Mohidden Gisthi

For R-1 : Mr.H.Velavadas
Central Government Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's
<https://hcservices.ecourts.gov.in/hcservices/>



representations dated 12.08.2020, 31.07.2020 and 15.09.2020, requesting the first respondent to release the payments to the third respondent in respect of the project completed from Thirupprankundram Railway Station yard to HPCL plant inside HPCL, Kappalur, Madurai.

WEB COPY

2. Mr.H.Velavadhas, learned Central Government Standing counsel accepts notice on behalf of the first respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.S.Haja Mohideen Gisthi, learned counsel for the petitioner and Mr.H.Velavadhas, learned Central Government Standing counsel for the first respondent.

4. According to the petitioner, he acted as a Sub Contractor for the third respondent. According to the petitioner, a sum of Rs.1,42,39,650/- is due to the petitioner from the third respondent. According to the petitioner, since the payments have not been made by the second respondent to the third respondent, the petitioner, who is a sub contractor for the third respondent has not been paid. The petitioner has given representations on 12.08.2020, 31.07.2020 and 15.09.2020 to the first and second respondents seeking for release of the payments to the third respondent in respect of the work completed by the petitioner. According to the petitioner, till date, the said representations have not been considered by the first and second respondents. In such circumstances, this Writ Petition has been filed.

5. The relief sought for by the petitioner in this Writ Petition is an innocuous relief. No prejudice will be caused to the respondents, if the representations of the petitioner are considered by the respondents on merits and in accordance with law.

6. The petitioner claims that he is a sub contractor for the third respondent. The third respondent was awarded contract by the second respondent in respect of some earth excavation work at Kappalur. It is the case of the petitioner that he had done sub contract work for the third respondent to the tune of Rs.1,42,39,650/-. According to him, since payments have not been released to the third respondent by the respondent Nos.1 and 2, his payments have also been stopped by the third respondent. He has given representations on 12.08.2020, 31.07.2020 and 15.09.2020 to the respondents 1 and 2 seeking for release of payments to the third respondent.

7. No prejudice will be caused to the respondent Nos.1 and 2, if the representations of the petitioner are considered by them on merits and in accordance with law.



8. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representations dated 12.08.2020, 31.07.2020 and 15.09.2020. requesting the second respondent to release the payments to the third respondent in respect of the project at Kappalur awarded to the third respondent and pass final orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order after hearing all the necessary parties including the third and fourth respondents.

9. With the aforesaid direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

1.Union of India,
represented by its Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan, New Delhi-110 001. (India).

2.The DGM Procurement,
CPO Hindustan petroleum Corporation,
Kappalur, Madurai-625 018.

+ 1cc to Mr.H.VELAVADHAS ,Advocate, SR No.26800

W.P. (MD)No.18928 of 2020

21.12.2020

—
DKS (CO)

KK(07.01.2021) 3P 4C