

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.43879 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue a writ of Mandamus or any other appropriate writ, declaring the action of the Respondents for not releasing the Final bill amount by the Respondents for which the measurements were recorded in the Measurement Book No.267 on 19.01.2016 and the Final variation was prepared by 6th Respondent on 09.02.2016 and not releasing the performance Guarantee and the Security Deposits, which was also recommended by 6th Respondent vide letter dated 30.1.2016; despite the successful completion of the works and the works carried out by me i.e., railway track was put into use by the Respondents since 20.08.2009 for commercial operation as illegal and Arbitrary and one without jurisdiction and violation of the provisions of the constitutional mandate and consequently direct the Respondents to pay Final bill as detailed Supra and release performance Guarantee and Security Deposits....”.

Heard Sri Amit George, learned counsel representing Sri C.Raghu, learned counsel appearing for the petitioner and Sri Prabhakar Peri, learned Standing Counsel appearing for the respondents.

It has been contended by the petitioner that he has been awarded the contract by the respondents to complete certain works and he has successfully completed the said works. In spite of the same, the respondents are not releasing the final bills submitted by him. Therefore, he has been submitting series of representations to the respondents requesting to release the final bills submitted by him.

Learned counsel appearing for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to release the final bills submitted by the petitioner.

Learned Standing Counsel appearing for the respondents submits that the petitioner has not completed the works entrusted to him and even as per the measurements recorded by the unauthorised persons, the petitioner has not discharged his duties properly and not completed the works even after extension of time and therefore, the respondents have initiated disciplinary proceedings against the persons, who have recorded the measurements falsely. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation seeking release of final bills pursuant to the work completed by him within a period of two weeks from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of eight weeks thereafter.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILU, J

Date: 13-02-2020
Prv

