

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.2921 of 2020

M/s. SSS Hi-Tech Construction Private Limited,
Rep. by its Managing Director
Mr.N.Srinivasan
No. 678 T.H. Road
New Washermenpet,
Chennai 600081

... Petitioner

Vs

- 1 The Central Public Works Department
Rep. by the Director General,
A-Wing Nirman Bhawan,
New Delhi 110011
- 2 The Executive Engineer
Central Public Works Department,
Chennai Central Division - III,
CPWD Block 122(1)(2)
CGS QRTS K.K.Nagar, Chennai 600078
- 3 The Chief Engineer,
Central Public Works Department,
Chennai Central Division V,
Ground Floor D Wing,
Rajaji Bhawan Besant Nagar
Chennai 600090
- 4 The Executive Engineer
Central Public Works Department,
Chennai Central Division V,
Ground Floor D Wing
Rajaji Bhawan Besant Nagar,
Chennai 600090

- 5 THE DIRECTOR
CSIR-SERC Campus Taramani
Chennai 600113.

... Respondents

(R5 IMPEADED AS PER ORDER DT 20/2/2020 MADE
IN WMP.4995/2020 IN WP.2921/2020)

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to make payment of the final bill amount of Rs. 38 32 255/- (Rupees Thirty Eight Lakhs Thirty Two Thousand Two Hundred and Fifty Five Only) with interest at the rate of 24% per annum for the period from 03.02.2018 till the date of actual payment within a time frame as maybe fixed by this Court

For petitioner ... Mr.M.Meenatchi

For Respondents ... Mr.T.V.Krishnamachari
Senior Panel Counsel

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to make payment of Rs.38,32,255/- to the petitioner for the contract work done by them for the respondents.

2. It is the case of the petitioner that a final bill dated 03.02.2018 raised by the petitioner for a sum of Rs.38,32,255/- has not been paid by the respondents. Since the said amount has not been paid, this writ petition has been filed.

3. A counter affidavit has been filed by the fourth respondent on behalf of the remaining respondents also wherein it has been stated in paragraph 14 as follows:

"14.I humbly submit that the balance amount to be paid to the petitioner is Rs.8,32,255/- (Rupees eight lakhs thirty two thousand two hundred and fifty five only) and the matter has been taken up with the client by requesting to deposit the amount as early as possible to the respondent vide this office letter no.24(68)/ CIID/20/405, dt: 19-03-2020."

As seen from the counter affidavit, the respondents have admitted that a sum of Rs.8,32,255/- is due and payable by them to the petitioner. In support of their contention, the respondents have also filed a letter dated 04.11.2020 which discloses that out of the total amount of Rs.38,32,255/- under the final bill dated 03.08.2018 raised by the petitioner, a sum of Rs.30,00,000/- has already been paid by them to the petitioner and the balance amount of Rs.8,32,255/- is due and payable to the petitioner.

4. The learned counsel for the petitioner on instructions would submit that the petitioner is ready and willing to receive the sum of Rs.8,32,255/- towards full and final settlement from the respondents on condition that the said amount will have to be paid together with interest.

5. It is settled law that the writ petition is maintainable only to seek the admitted amount. In the case on hand, the respondents have admitted their liability only to the extent of Rs.8,32,255/- and they are not agreeable to pay any interest to the petitioner. Hence, the only relief that can be granted to the petitioner is to direct the respondents to pay the sum of Rs.8,32,255/- to the petitioner.

6. Learned counsel for the respondents on instructions would submit that due to the present financial status of the respondents, the respondents are not in a position to pay the admitted amount to the petitioner immediately and therefore, he seeks four months time for making the said payment.

7. However, this Court is of the considered view that four months time is too long. Admittedly, the service rendered by the petitioner to the respondents is in the year 2018. After giving due consideration to the submissions made by the respective counsels as well as the documents filed by the respondents in their typed set of papers, this Court directs the fourth respondent to pay the petitioner a sum of Rs.8,32,255/- which is an admitted liability within a period of three months from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No. costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nl
To

1 The Director General,
Central Public Works Department,
A-Wing Nirman Bhawan,
New Delhi 110011

2 The Executive Engineer
Central Public Works Department,
Chennai Central Division - III,
CPWD Block 122(1) (2)
CGS QRTS K.K.Nagar, Chennai 600078

3 The Chief Engineer,
Central Public Works Department,
Chennai Central Division V,
Ground Floor D Wing,
Rajaji Bhawan Besant Nagar
Chennai 600090.

4 The Executive Engineer,
Central Public Works Department,
Chennai Central Division V,
Ground Floor D Wing,
Rajaji Bhawan Besant Nagar,
Chennai 600090.

5 THE DIRECTOR,
CSIR-SERC Campus Taramani,
Chennai 600113.

+1cc to Mr.T.V.Krishnamachari, Advocate Sr.15805

+1cc to Mr.P.Anbarasan, Advocate Sr.15617

W.P. No.2921 of 2020

ca[co]
srg 15/03/2021

सत्यमेव जयते

WEB COPY