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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.13968 of 2021

M/s.KCP Engineers Pvt. Ltd.
Represented by its Director
K.Muthukumarasamy
No.9A-9th floor
Pricol Caledon Square
Avinashi Road
Peelamedu, Coimbatore-641 004.

...Petitioner

Vs

1.The Director General (Road Development)
and Special Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan, No.1,
Parliament Street,
New Delhi-110 001.

2.The Regional Officer,
National Highways, SP 34,
Industrial Estate, 3rd floor, Sri tower,
Guindy, Chennai-600 032.

3.The Superintendent Engineer,
National Highways,
No.74, Omalur Main Road,
Alagapuram Periyaputhur,
Salem-636 004.

4.The Divisional Engineer
National Highways
Park Gate Road
ATT colony, Gopalapuram
Coimbatore-641 018.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 07.06.2021 and pass orders by providing bonus for early completion of the work viz., "widening existing two lane to four



lane in Km.323/580 - 329/2 of NH-67 (Nagapattinam - Gudalur - Mysore Road) in Tamil Nadu under Engineering, Procurement and Construction (EPC) Basic Contract" (Job No.NH-67 (New NH-181) - TN- 2018-19-874) as provided under clause 19.20 of Engineering, Procurement and Construction Agreement.

For Petitioner : Mr.S.Doraisamy

For Respondents 2 to 4 : Mr.Stalin Abimanyu
Government Advocate

ORDER

This writ petition has been filed to issue a mandamus directing the respondents to consider the petitioner's representation dated 07.06.2021 with respect to payment of bonus as provided under clause 19.20 of Engineering, Procurement and Construction Agreement.

2.According to the petitioner, they are the registered class-I contractor under the Highways Department. On 22.02.2019, the third respondent issued a letter of acceptance in favour of the petitioner in respect of the work viz., widening existing two lane to four lane in Km.323/580 - 329/2 of NH-67 (Nagapattinam - Gudalur - Mysore Road) in Tamil Nadu under Engineering, Procurement and Construction (EPC) Basic Contract. The petitioner executed an agreement with the third respondent on 06.03.2019 and successfully completed the work on 21.09.2020 well within the stipulated time and was also issued with a completion certificate on 19.01.2021 by the fourth respondent. It is the grievance of the petitioner that since they completed the work before the date fixed for completion, they are entitled for bonus as per clause 19.20 of the agreement, however in the completion certificate issued by the fourth respondent, there was no mention about the payment of bonus. Hence, the petitioner made a representation dated 07.06.2021 to the respondents requesting to pay bonus to them. Finding no response on the same, they have come up with this writ petition for the aforesaid relief.

3.Heard the learned counsel appearing for the petitioner and the learned counsel taking notice for the respondents.

4.Considering the limited relief sought in this writ petition, this Court directs the respondents to consider the petitioner's representation dated 07.06.2021 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of six (6) weeks from the date of receipt of a copy of this order.



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5. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

kj

To

1. The Director General (Road Development)
and Special Secretary,
Ministry of Road Transport and Highways,
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+1 cc to Mr.S.Doraisamy, Advocate Sr.No.31619

W.P.No.13968 of 2021

SV-I (CO)
RVM(17/08/2021)