



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NO.16770 OF 2021

Class I Contractor Welfare Association,
Registration No.112/2021, No.6C,
CTA Garden First Avenue, Mangadu,
Chennai 600 122,
rep. by its Secretary Sen Varghese

... Petitioner

Vs.

1. The Principal Secretary to Government,
Highways and Minor Ports, Fort ST. George,
Secretariat, Chennai 600 009.

2. The Chief Engineer, Highways.
Integrated Chief Engineers Office,
HRS Campus, No.76, Sardar Patel Road,
Guindy, Chennai 600 025.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondent to consider and pass orders on the representation of the petitioner, dated 22.06.2021 and extend the agreement period duration at least 50% of the existing time for all the respective ongoing tender works in Highways Department and not to cancel or impose penalty for the tender works awarded during COVID 19 Period.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.Stalin Abhimanyu,
Govt. Counsel for R1 and R2

O R D E R

The petitioner Association has filed the instant writ petition on behalf of its members seeking to extend the duration of the agreement period so as to execute the work for the aforesaid contract awarded by the respondent Corporation. All the members of the petitioner Association participated in the



tender published by the respondent Corporation from the year 2019-2021 and the work orders were issued during February or March 2020. As per the terms and conditions of the contract, they have to complete the work within a period of 6 months or one year. Due to Covid 19 pandemic, the Government of Tamil Nadu vide G.O.Ms.No.152, imposed lock down and the same was extended upto 6.9.2020. Therefore, they could not able to complete the work within the specified period. They also made a representation to the respondent to extend the agreement period. However, no order has been passed by the respondent. Therefore, the present writ petition has been filed before this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents and also perused the materials available on record.

3. Considering the limited scope of the prayer sought for by the petitioner Association, without expressing any opinion on merits, this Court is inclined to direct the petitioner to submit a copy of the representation, dated 22.06.2021 along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondents shall consider the same and pass appropriate orders, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably, within a period of six weeks thereafter.

4. Accordingly, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Principal Secretary to Government,
Highways and Minor Ports, Fort ST. George,
Secretariat, Chennai 600 009.



2.The Chief Engineer, Highways.
Integrated Chief Engineers Office,
HRS Campus, No.76, Sardar Patel Road,
Guindy, Chennai 600 025.

WEB COPY

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.39598
+1cc to the Government Pleader, S.R.No.40024

W.P.No.16770 of 2021

AK (CO)
PM/17/09/2021