



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P. No. 13085 of 2014

M/s. KPS Engineering Constructions
rep. by its Proprietor S. Thiyagarajan
87A1, Komburankadu
Karuppureddiyur (PO)
Mettur Dan - 636 404
Salem District

.. Petitioner

Versus

1.The Managing Director
Tamil Nadu Water Supply and Drainage Board
31, Kamarajar Salai
Chepauk, Chennai 600 005

2.The Executive Engineer
Maintenance Division
TWAD Board, Erode

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the payment due to the petitioner to the tune of Rs.1,26,767/- in respect of Agreement No.DR/TWAD/No.10/2010-2011, dated 09.04.2010.

For Petitioner : Mr. K.S. Viswanathan

For respondents : Mrs. S. Thamizharasi

ORDER

The prayer made in this Writ Petition is to direct the respondents to release the payment due to the petitioner to the tune of Rs.1,26,767/- in respect of Agreement No.DR/TWAD/No.10/2010-2011, dated 09.04.2010.

2. The petitioner was awarded the work of operation and maintenance of all components under CWSS for Reach II under the Anthiyur and Ammapettai (210 Habitations) in Erode District, as per the Agreement No. DR/TWAD/No.10/2010-11 dated 09.04.2010 entered into with the TWAD Board. According to the petitioner,



even though the entire work was completed, still, a sum of Rs.1,26,767/- is due and payable by the respondents in respect of the aforesaid work done by him. Therefore, the petitioner made a representation dated 21.3.2014 to release the payment due to him, however the same is kept pending till date without any action. Hence the petitioner has come forward with this writ petition.

3. The learned counsel for the second respondent, placing reliance on the counter affidavit, submitted that even before the period of contract, the petitioner did not complete the work and therefore extension of time was granted. In any event, the counsel for the respondents disputed the claim for payment made by the petitioner.

4. Heard the counsel both sides and perused the materials available on record.

5. The prayer as such cannot be granted directing the respondents to disburse the amount payable to the petitioner. In this Writ Petition, this Court cannot examine as to whether the petitioner is entitled to the amount or the respondents are obligated to make the payment to the petitioner. However, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 21.3.2014 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai,
Chepauk, Chennai 600 005



2.The Executive Engineer,
Maintenance Division,
TWAD Board, Erode

+1cc to Mr.K.S.Viswanathan, Advocate Sr No.34546

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PMK (CO)
PR (31/08/2021)