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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No.21998 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

Versus

1. The Director General
Road Development & Special Secretary,
Ministry of Road Transport & Highways,
Room No.210, Transport Bhawan 1,
Parliament Street,
New Delhi 110 001.

2. The Regional Officer,
Ministry of Road Transport & Highways,
Chennai Region,
C.I.A. Rajaji Bhawan,
Besant Nagar, Chennai 600 090.

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

4. The Chief Engineer,
National Highways,
Integrated Chief Engineers Office,
HRS Campus
76, Sardar Patel Road
Guindy, Chennai 600 025.

... Respondents

Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents to consider and pass orders on the representation of the petitioner, dated 22.06.2021 and 16.09.2021 and extend the agreement period duration at least 50% of the existing time for all the respective ongoing tender works including bonus and



price adjustment for materials for such period in National Highways Department and not to cancel or impose penalty for the tender works awarded during COVID 19 Period.

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For Petitioner : Mr. S. Doraisamy
For Respondents : Mr. R. Subramanian
ACGSC R1 to R4

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 covered under various agreements with their members, so to enable them to execute the contractual work awarded to them by considering their representations dated 22.06.2021 and 16.09.2021.

2. According to the learned counsel for the petitioner, the members of the petitioner Association participated in the various tenders published by the respondent Corporation during the year 2019-2021. They were given work orders 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 the spread of 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. As a result of the same, the members of the petitioner association could not complete the work within the period specified under the contract. Therefore, on behalf of their members, the petitioner association has made a representation to the respondent authorities to extend the agreement period. Finding no response on the same, the present writ petition has been filed for the aforesaid relief.

3. The learned counsel appearing for the respondents submitted that no such representation was received by the respondent authorities and hence, the petitioner may be directed to submit a copy of the said representations to the respondent authorities and on such submission, the same will be considered by the respondent authorities, on merits.

4. In view of the submissions made by the learned counsel for both sides, without expressing any opinion on merits, this Court directs the petitioner to submit a copy of the representations, dated 22.06.2021 and 16.09.2021 to the respondent authorities within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent authorities shall consider the same and pass appropriate orders, on merits and in accordance with law, after



affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably, within a period of six weeks thereafter.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msr/rsh
To

1. The Director General,
Road Development & Special Secretary,
Ministry of Road Transport & Highways,
Room No.210, Transport Bhawan 1,
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National Highways,
Integrated Chief Engineers Office,
HRS Campus, 76, Sardar Patel Road,
Guindy, Chennai 600 025.

+1cc to Mr.S.Doraisamy, Advocate Sr.53656
+1cc to the Government Pleader Sr.53907

WP No. 21998 of 2021

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srg 16/11/2021