



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.24733 of 2021

Class I Contractor Welfare Association,
Registration No.112/2021,
Now at No.52, Kumaraswamy Nagar,
Sivasakthi Main Road,
Chikkarapuram, Chennai - 600 069.
Rep. by its President
Sen Varghese.

... Petitioner

Vs

1.State of Tamil Nadu, rep. by its
Principal Secretary to Government,
Public Works Department, Secretariat,
Chennai - 600 009.

2.The Commissionerate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road, Chennai - 600 028.

3.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

4.The Director,
Tamil Nadu Water Supply & Drainage Board,
4th Floor, No.3, Kamarajar Salai,
PWD Estate, Chepauk,
Chennai - 600 005.

5.The Managing Director,
Chennai Metropolitan Water Supply & Sewerage Board,
No.75, Santhome High Road,
M.R.C. Nagar, R.A.Puram,
Chennai - 600 028.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the representation of



the petitioner dated 15.09.2021 by introducing the payment clause viz: "that payments shall be adjusted for deductions for advance payments, retention, other recoveries in items of the contract and taxes at source, as applicable under the law, The Employer shall pay the Contractor the amounts certified by the Engineer within 28 days of the date of each certificate. If the Employer makes a later payment, the contractor shall be paid interest on the late payment in the next payment. Interest shall be calculated from the date by which the payment should have been made up to the date when the late payment is made at 12% per annum". which is available in the tender condition issued by the National Highways Department, Tamil Nadu and National Highways Authority of India (NHAI) and include the above clause in all the tender documents in future tenders by the respondents.

For Petitioner : Mr.V.Elangovan

For Respondents 1, 2 & 4 : Mr.NRR.Arun Natarajan
Special Government Pleader

For 3rd respondent : Mrs.P.T.Ramadevi

For 5th Respondent : Mr.G.Vivekanand

ORDER

The prayer sought for herein is a writ of mandamus directing the respondents to consider and pass orders on the representation of the petitioner dated 15.09.2021 by introducing the payment clause viz: "that payments shall be adjusted for deductions for advance payments, retention, other recoveries in items of the contract and taxes at source, as applicable under the law, The Employer shall pay the Contractor the amounts certified by the Engineer within 28 days of the date of each certificate. If the Employer makes a later payment, the contractor shall be paid interest on the late payment in the next payment. Interest shall be calculated from the date by which the payment should have been made up to the date when the late payment is made at 12% per annum" which is available in the tender condition issued by the National Highways Department, Tamil Nadu and National Highways Authority of India (NHAI) and include the above clause in all the tender documents in future tenders by the respondents.

2. The petitioner is Class 1 Contractor Welfare Association which is a registered Association. It espoused a



To

- 1.Principal Secretary to Government,
State of Tamil Nadu,
Public Works Department, Secretariat,
Chennai - 600 009.
- 2.The Commissionerate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road, Chennai - 600 028.
- 3.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.
- 4.The Director,
Tamil Nadu Water Supply & Drainage Board,
4th Floor, No.3, Kamarajar Salai,
PWD Estate, Chepauk,
Chennai - 600 005.
- 5.The Managing Director,
Chennai Metropolitan Water Supply & Sewerage Board,
No.75, Santhome High Road,
M.R.C. Nagar, R.A.Puram,
Chennai - 600 028.
- 6.The Government Advocate,
High Court, Madras.

+1cc to Mr.G.Vivekanandan, Advocate SR.No.59879
+1cc to Mr.S.Doraisamy, Advocate SR.No.59340
+1cc to the Government Pleader SR.No.60040

W.P.No.24733 of 2021

PA(CO)
GN(01/12/2021)