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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.26630 of 2021

Class I Contractor Welfare Association
Registration No.112/2021, No.54
Kumarasamy Nagar, Sivasakthi Main Road
Chikkarayapuram, Chennai - 600 069
Rep.by its President Sen Varghese.

...Petitioner

-Vs-

The Commissioner
Greater Chennai Corporation
Rippon Buildings,
Chennai - 600 003.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider and pass orders on the representation of the petitioner dated 04.10.2021 by implementing the order passed by this Hon'ble Court in W.P.No.14098 of 2021 and to extend the time for storm water drain work with respect to time extension, bonus and price escalation etc., for all respective ongoing tender works extended as in the case of Bus Route Roads Department (Resolution Nos.727, 728, 729 and 730 of 2021) and not to cancel or impose penalty for the tender works awarded during COVID-19 period.

For Petitioner	:	Mr.S.Doraisamy
For Respondents	:	Ms.P.T.Ramadevi Standing Counsel

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondent to consider and pass orders on the representation of the petitioner dated 04.10.2021 by



implementing the order passed by this Hon'ble Court in W.P.No.14098 of 2021 and to extend the time for storm water drain work with respect to time extension, bonus and price escalation etc., for all respective ongoing tender works extended as in the case of Bus Route Roads Department (Resolution Nos.727, 728, 729 and 730 of 2021) and not to cancel or impose penalty for the tender works awarded during COVID-19 period.

2. The petitioner is an Association claimed to have been registered in the name and style of Class I Contractor Welfare Association. Its members, according to the petitioner, have taken various works especially storm water drain works at the respondent Corporation during 2019 and 2020. In respect of those works, due to bonus, price escalation etc., and due to COVID-19 hindrance, since the works could not be completed, they wanted to get extension of time for completing the works undertaken by the members of the petitioner Association.

3. In this regard, it is the further case of the petitioner that, already when the petitioner approached this Court with a similar request by filing W.P.No.14098 of 2021, an order was passed by a learned Judge on 26.07.2021 giving a direction to the respondent Corporation to consider the plea of the petitioner Association.

4. Subsequently, when Contempt proceedings was initiated, it was the stand of the respondent Corporation in that case that, with regard to the grievance espoused by the petitioner Association in the said case, the Corporation has passed a resolution in Resolution Nos.727, 728, 729 and 730 of 2021 dated 26.09.2021, thereby the time period was extended for three months to complete those works which are called BRRC tender works.

5. However, insofar as the storm water drain works undertaken by the other members of the petitioner association, no such time extension has been given and in this regard, if at all the respondent Corporation wants to pass any resolution, they can do so and by doing so, the respondent Corporation can extend the time sought for by the members of the petitioner Association and in this regard, though the petitioner Association has given a representation dated 04.10.2021 to consider the plea of the petitioner on behalf of its members, since the same has not been considered by the respondents, the petitioner has approached this Court by filing the present writ petition.

6. Heard Mr.S.Doraisamy, learned counsel appearing for the petitioner, who, after having reiterated the aforesaid facts,



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The Commissioner
Greater Chennai Corporation
Rippon Buildings,
Chennai - 600 003.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.66860
+lcc to Ms.P.T.Ramadevi, Advocate, S.R.No.67324

W.P.No.26630 of 2021

AD[co]
NSK 05/01/2022