



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.18832 of 2020

K.Govindaraj

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Public Works Department,
Fort St., George,
Chennai

2.The Superintending Engineer,
W.R.O/P.W.D,
Thamarabharani River Basin Division,
Tirunelveli 2.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents herein to consider the representation dated 09/05/2017 made by the petitioner and to refund the sum of Rs.1,96,52,112 /- (Rupees One Crore Ninety Six Lakhs Fifty two Thousand one Hundred and Twelve only) paid towards the PWD Contract for Slice VI vide Agreement bearing No. 06 SE / TBC / 2015-2016.

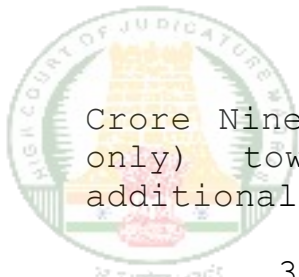
For Petitioner : Mr.V.Sukumar

For Respondents : Mr.Veerakathiravan,
Sr.Standing Counsel
assisted by Mr.Lingadurai,
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a writ of Mandamus directing the respondents to consider the representation made by the petitioner on 09.05.2017, wherein, the petitioner has sought for refund of certain amounts paid by him.

2. The case of the petitioner is that a tender was invited by the respondents and the petitioner was selected as a successful contractor by the Tender Award Committee and an agreement was also entered into with the public works Department. The petitioner deposited a sum of Rs.1,96,52,112/- (Rupees One



Crore Ninety Six Lakhs Fifty two Thousand one Hundred and Twelve only) towards earnest money deposit, security deposit and additional deposit for the execution of the contract.

3. Pursuant to the execution of the agreement, when the petitioner commenced the work, a petition was filed before the National Green Tribunal, Southern Zone and by virtue of the interim orders passed, the entire work was stalled.

4. In view of the above, the petitioner has approached this Court seeking for the refund of the amount deposited at the time of execution of the contract.

5. The respondents have filed a counter affidavit and there is not much of a dispute on facts.

6. Heard V.Sukumar, learned counsel appearing for the petitioner and Mr.Veerakathiravan, learned Senior Standing Counsel assisted by Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

7. It is clear from the counter filed by the respondents that the petitioner has not even commenced the work by virtue of the interim order passed by the National Green Tribunal.

8. In view of the above, there shall be a direction to the second respondent to refund whatever amount that has been deposited by the petitioner, within a period of six (6) weeks from the date of receipt of a copy of this order.

9. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

10. This writ petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

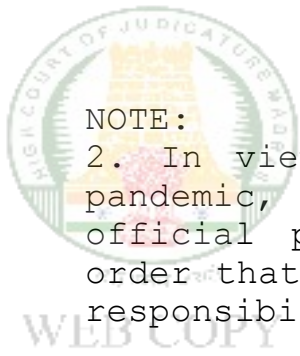
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/ /2021

Sub Assistant Registrar (CS)

tsg

<https://hcservices.ecourts.gov.in/hcservices/>



NOTE:

2. In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary,
State of Tamil Nadu,
Public Works Department,
Fort St., George,
Chennai

2.The Superintending Engineer,
W.R.O/P.W.D,
Thamarabharani River Basin Division,
Tirunelveli 2.

**Order made in
W.P. (MD) .No.18832 of 2020**

**Dated :
29.06.2021**

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KM(08.07.2021) 3P 3C