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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WRIT PETITION NO.5775 & 5776 OF 2010

&

M.P.NOS.1,1,2,2 AND 3 OF 2010

1. M/s.Maheswari Builders,
Rep. By its Partner,
Mr.Jai Kishen Mohata,
63N, Park Dugar,
Mount Poonamallee Road,
Ramavaram, Chennai - 89.

... Petitioner in
W.P.No.5775 of 2010

2. M/s.Mohata Construction Company,
Rep. By its partner,
Mr.Jai Kishen Mohata,
63N, Park Dugar,
Mount Poonamalle Road,
Ramavaram, Chennai - 600 089.

... Petitioner in
W.P.No.5776 of 2010

-Vs-

1. The Chief Engineer,
Chennai Zone, Island Grounds,
Chennai - 600 009.
2. Garrison Engineer (P) MH,
St. Thomas Mount Road,
Chennai - 600 016.
3. The Assistant Accounts Officer,
GE (STM), St. Thomas Mount,
Chennai - 600 016.

... Respondents in
both the W.P.Nos

PRAYER IN W.P.NO.5775 OF 2010:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on files of the 2nd and 3rd respondent in letters dated 13.3.2010 for the contract CA No.



CECZ/MH/32 of 2007-2008 and quash the same as arbitrary and ultra vires and direct them to the reimburse of escalation amount with the advance payment subsequent to presenting RARs claiming escalation.

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PRAYER IN W.P.NO.5776 OF 2010:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to reimburse of escalation amount with the advance payment subsequent to presenting RARs claiming escalation for the contract CA No: CECZ/CHE/MH/10 of 2008-2009.

For Petitioner : M/s.T.V.Lakshmanan
in both W.P's

For Respondents : M/s.J.Madangopal Rao
in both W.P's Senior Central Government
Standing Counsel
For R1

C O M M O N O R D E R

The learned counsel for the petitioners submits that the writ petitions were filed at the time of Running Account Receipts (RAR). Thereafter, the contract was executed and further development was made. Therefore, nothing survives for adjudication in these writ petitions. Recording the submission made by the learned counsel for the petitioners, these writ petitions are dismissed as infructuous. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sha/kpr

To

1. The Chief Engineer,
Chennai Zone, Island Grounds,
Chennai - 600 009.



2. Garrison Engineer (P) MH,
St. Thomas Mount Road,
Chennai - 600 016.

3. The Assistant Accounts Officer,
GE (STM), St. Thomas Mount,
Chennai - 600 016.

W.P.NO.5775 & 5776 OF 2010 &
W.M.P.NOS.1,1,2,2 AND 3 OF 2010

AK(CO)
PBS/07/03/2022