

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.5208 of 2022

Annai Infra Developers Limited  
Represented by its authorised Signatory  
R. Marimuthu

...Petitioner

vs.

The Government of Tamil Nadu  
Water Resources Department,  
Represented by its Superintending Engineer,  
Public Works Department,  
Palar Basin Circle,  
WRD, Chepauk,  
Chennai - 600 005.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to release the admitted balance sums towards the Bills raised and the Retention monies to the Petitioner pertaining to the works related to "Improvements to Cooum River from Chetpet bridge to Padikuppam causeway (LS 9677 m to 15940 m) by using float machineries and conveyance of desilted materials for nourishment of Cooum River", governed by an Agreement bearing No.05/PBC/2015-16, dated 15.7.2015 entered into between the Petitioner and Respondent.

For petitioner : Mr.P.J. Rishikesh

For respondent : Mr.K.H.Ravikumar,  
Government Advocate.

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to pay the admitted amount in respect of the works done by the petitioner for the respondent in the year 2018.

2. According to the petitioner, the works were completed in the year 2018 itself and bills were raised but the respondent failed to pay the balance outstanding amount which according to the petitioner is an admitted amount.

3. Heard Mr.P.J.Rishikesh, learned counsel for the petitioner and Mr.K.H. Ravikumar, learned Government Advocate for the respondent.

4. A counter affidavit has been filed by the respondent stating that Rs.15.97 crores out of the total value of the contract awarded was paid to the petitioner and there remains only a balance of Rs.2.84 crores payable to the petitioner. The admission of liability is made in paragraph No.7 of the counter affidavit. However, the respondent has expressed their difficulty in making immediate payment to the petitioner on account of financial difficulties.

5. The learned Government Advocate appearing for the respondent would submit that a minimum period of twelve weeks is required for the respondent to make the balance payment of Rs.2.84crores to the petitioner.

6. However, this Court is of the considered view that since the work was completed by the petitioner in the year 2018 itself and an almost four years has elapsed since then, such a long period of time sought for by the respondent cannot be granted. This Court is of the considered view that ten weeks time is reasonable for the respondent to make the payment to the petitioner. Insofar as the interest claimed by the petitioner is concerned, the same being a disputed sum, the petitioner will have to work out their remedy in the arbitration as per the contract.

7. After recording the aforementioned observations, this writ petition is disposed of by directing the respondent to make the payment of Rs.2.84 crores to the petitioner being the admitted amount, within a period of ten weeks from the date of receipt of a copy of this order. No costs.

8. Since the work has been completed to the satisfaction of the respondent, the performance Bank Guarantee of Rs.41,21,000/- executed by the petitioner in favour of the respondent at the time of entering into the contract has to be returned back to the petitioner along with the balance payment as indicated supra.

Sd/-  
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

To

The Superintending Engineer,  
Government of Tamil Nadu  
Water Resources Department,  
Public Works Department,  
Palar Basin Circle,  
WRD,  
Chepauk,  
Chennai - 600 005.

+1cc to the Government Pleader, S.R.No.44584

W.P.No.5208 of 2022

CA(CO)  
SB(21/07/2022)