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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.26199 of 2021
and
W.M.P.No.27652 of 2021

M/s.KCP Engineers Pvt Ltd.,
Reg. Office at No.4,
Ground Floor, Aalayam Space,
Aanandha Road, Alwarpet,
Chennai - 600 018.
Rep. By its Director,
K.Muthukumarasamy

...Petitioner

Vs

1.The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
75, Santhome High Road,
Raja Annamalaipuram, Chennai - 600 028.

2.The Commissioner,
Coimbatore City Municipal Corporation,
Big Bazar Street,
Coimbatore - 641 001.

3.The Chief Accounts Officer,
Corporation Main Office,
Coimbatore City Municipal Corporation,
Coimbatore.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to disburse the bill amount of Rs.12,30,17,814/- (Rupees Twelve Crores Thirty Lakhs Seventeen Thousand Eight Hundred and Fourteen only) to the petitioner, towards the value of the work done (Restoration and rejuvenation, Restoration of B.T.Surface, and implementation of Energy efficiency projects) by the petitioner in Coimbatore Corporation by considering petitioner's various representations dated 19.08.2021, 12.10.2021 and 09.11.2021.



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For Petitioner : Mr.V.Elangovan
For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader (for R1)
: Mr.K.Natarajan
Standing Counsel (for R2 & R3)

O R D E R

The prayer sought for herein is for a writ of mandamus directing the respondents to disburse the bill amount of Rs.12,30,17,814/- (Rupees Twelve Crores Thirty Lakhs Seventeen Thousand Eight Hundred and Fourteen only) to the petitioner, towards the value of the work done (Restoration and rejuvenation, Restoration of B.T. Surface, and implementation of Energy efficiency projects) by the petitioner in Coimbatore Corporation by considering petitioner's various representations dated 19.08.2021, 12.10.2021 and 09.11.2021.

2. The petitioner is a contractor who have been awarded certain works to be undertaken as part of the Smart City Work in the 2nd respondent Corporation, accordingly, though work orders have been given, which, according to the petitioner, has been completed and in this regard, there is an outstanding amount of Rs.12,30,17,814/- payable by the 2nd respondent Corporation to the petitioner for the completed work.

3. Despite the said work having been completed, since the amount payable to the petitioner has not been paid, the petitioner has given several representations and the last representation made on 09.11.2021 also since did not yield any desired result, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

4. Heard Mr.V.Elangovan, learned counsel appearing for the petitioner, who having reiterated the above said, would seek indulgence of this Court to issue a direction.

5. Heard Mrs.V.Yamuna Devi, learned Special Government Pleader appearing for the 1st respondent and Mr.K.Natarajan, learned Standing Counsel appearing for respondents 2 and 3.

6. The learned Standing Counsel appearing for respondents 2 and 3, on instruction, would submit that, if at all the petitioner has got any grievance, with regard to the bill payable by the 2nd respondent to the petitioner and in this regard, if any request has been made and last such request or representation has been made on 09.11.2021, the same would be considered and orders on merits will be passed within a time frame that may be stipulated by this Court.



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7. Considering the said submissions made by the learned Standing Counsel appearing for the 2nd respondent Corporation, who has to consider the representation given by the petitioner dated 09.11.2021 and having taken into account the factual matrix, as projected by both sides, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondents to consider the representation of the petitioner dated 09.11.2021 and pass orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Sgl

To

1.The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
75, Santhome High Road,
Raja Annamalaipuram, Chennai - 600 028.

2.The Commissioner,
Coimbatore City Municipal Corporation,
Big Bazar Street, Coimbatore - 641 001.

3.The Chief Accounts Officer,
Corporation Main Office,
Coimbatore City Municipal Corporation,
Coimbatore.

+1cc to Mr.V.Elangovan, Advocate, SR.NO.206
+1cc to Mr.K.Natarajan, Advocate, SR.NO.1830
+1cc to Government Pleader, SR.NO.2240

W.P. No.26199 of 2021

GPL (CO)
KKV/01/02/2022