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C.R.P. (NPD) .Nos.2936 and 2937 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

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M/s.Prakash Constructions
Represented by its Proprietor
S.Shiva Prakash
No.343, Basement Floor,
Sampige Plaza, Sampige Road,
Malleshwaram, Bangalore – 560 003.

...Petitioner

Vs.

Government of Tamil Nadu
Represented by
1.K.Ramamoorthy
The Chief Engineer,
Public Works Department,
Water Resources Organisation,
Chennai Region, Chepauk,
Chennai – 600 005.

2.Suresh
The Superintending Engineer,
Public Works Department,
Water Resources Organisation,
Project Circle, Vellore- 632 006.

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3.K.Ramamurthy

The Executive Engineer,
Public Works Department,
Water Resources Organisation,
Upper Palar Basin Division,
PWD Office Complex,
Kangaenallore Road,
Vellore – 632 006.

...Respondents

PRAYER in both the CRPs: Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to direct the II Additional District Court, Ranipet to number the Execution Petitions in E.P.S.R.Nos.2902 and 2903 of 2021 and dispose of the same within a reasonable time frame.

For Petitioner : Mr.S.R.Raghunathan

For Respondents : Mr.R.Shanmuga Sundaram,
Advocate General
Assisted by Mr.Edwin Prabhakar,
Special Government Pleader.

COMMON ORDER

The petitioner aggrieved by the fact that the executing Court has not numbered its execution petition, wherein, it sought for execution of the award passed against the Government in the year 2009, despite the fact that the award had become final, has come up with these Revisions.

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2. Mr.S.R.Raghunathan, learned counsel appearing for the petitioner would complain that the executing Court has been unnecessarily returning the execution petition which has resulted in huge damage to the petitioner.

3. Considering the fact that the award was of the year 2009 and all attempts to have the said award set aside had failed, I had permitted Mr.S.R.Raghunathan, learned counsel for the petitioner to serve notice on Mr.Bindran, learned Additional Government Pleader and directed the Additional Government Pleader to find out as to when the respondents propose to pay the amount due under the award. The learned Advocate General appeared on 02/02/2022. Upon being queried by the court as to the time that would be required by the respondents to pay the award amount, he fairly conceded that the delay in payment is not justified and took time to get instructions.

4. Today Mr.Edwin Prabhakar, learned Special Government Pleader appears on instruction. He would submit that though the award directs payment of interest at 18% from the date of award till date of payment, as



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per the contract, the Government is liable to pay only 12% interest for delayed payment. Therefore, he would contend that the Government could be directed to pay the interest at 12%. If the interest is reduced to 12%, the amount due under the two awards works out to Rs.20,44,12,898.97/-.

5. Mr.S.R.Raghunathan, learned counsel appearing for the petitioner would submit that he is ready to accept 15% interest in full quit.

6. Considering the fact that the award itself is nearly 13 years old and the petitioner has been put to undue hardship because of the delay on the part of the Government in settling the amount due under the award, in order to avoid any further delay, I am of the considered opinion that the Government could be given some concession on the interest and they could be directed to pay a sum of Rs.24,00,00,000/- in full quit. Mr.S.R.Raghunathan, learned counsel appearing for the petitioner does not have very serious objection to this course.

7. Therefore, these Civil Revision Petitions are disposed of with a



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direction to the Government to pay a sum of Rs.24,00,00,000/- in full quit of the awards that are subject matter of the execution proceedings within a period of three months from today. No costs. If the amount is not paid within the three months, the executing Court is directed to number the execution petition without raising any question on maintainability and proceed with the same strictly in accordance with law. Any lenience shown by the Court, because the respondent is the Government would be viewed very seriously by this Court.

04.02.2022

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Speaking order

Note:-

Upload Order copy by **07.02.2022.**

To

The II Additional District Court, Ranipet.

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R.SUBRAMANIAN, J.

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