



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19145 of 2022

M/s.Consolidated Construction Consortium Ltd.,
Rep. By its Authorised signatory,
J.Varusai Mohamed,
#6/33, Padmavathiyar Road,
Jeypore Colony, Gopalapuram,
Chennai – 600 086.

... Petitioner

Vs.

1. The Managing Director,
TWAD Board,
Chennai.
2. The Chief Engineer,
TWAD Board,
Southern Region.
3. The Superintending Engineer,
TWAD Kovilpatti Circle,
Kovilpatti.
4. The Executive Engineer,
TWAD Board,
Urban Division,
Kovilpatti.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to take appropriate steps to disburse the pending payment due in the Water Supply Improvement



Scheme to Kovilpatti Municipality in Thoothukudi District in
Work Order No.F.Kovilpatti Balance works / DOI/CW/2015/
dated 28.01.2016 within the time frame fixed by this Court.

For Petitioner : Ms.Lakshmi Gopinathan,
for M/s.Polax Legal Solutions.

For Respondents: Mr.B.Vijay Karthikeyan,
Standing Counsel.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the respondents.

2. The petitioner is a registered contractor with TWAD Board. They had carried out the petition mentioned works. The TWAD Board is said to have paid 95% of the bill amount in respect of the works covered by the main agreement. However on the instructions of the Board, the petitioner had also carried out certain extra works. For the payment of the balance amount for the extra works done by the writ petitioner, certain procedural processes will have to be gone through.



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3. The learned Standing counsel points out that a supplementary proposal would have to be prepared. The assessment of the extra works done by the petitioner will have to be made. Then the estimate of the payment also will have to be drawn. Thereafter the file has to be forwarded to the Government which will have to issue Government Order. The learned Standing counsel submitted that this process will definitely take several months and that therefore the Court may bear it in mind while issuing directions.

4. I wanted to know from the learned Standing counsel as to when the works in question were completed. It is fairly stated that the works in question were completed in June 2020. We are now in August 2022. Therefore, the respondents ought to show alacrity in settling the petitioner's bills. I am of the view that six months time is more than sufficient to honour the payment to be made to the writ petitioner herein. Even though the Government is not formally made as a party to this writ petition, the direction given in this writ petition will be taken note of by the Government and the time limit stipulated



in this order will also be taken note of by the Government. I however make it clear that I have not gone into the micro details or exact quantum to be paid to the petitioner herein.

5. I direct the first respondent to take emergent steps to clear the petitioner's pending bills in respect of the petition mentioned works. This exercise shall be done within a period of six months from the date of receipt of a copy of this order. This writ petition stands allowed on these terms. No costs.

23.08.2022

Index : Yes / No
Internet : Yes/ No

PMU

Note : Issue order copy on 26.08.2022.



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To:

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TWAD Board,
Chennai.
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4. The Executive Engineer,
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G.R.SWAMINATHAN,J.

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