



W.P(MD)No.20385 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20385 of 2022

and

W.M.P.(MD)No.14786 of 2022

J.Sahaya Kapil Bosco,
Proprietor,
M/s.M.John Bosco Building Contractor Class-I,
No.81B, Amaravathivillai,
Marungoor Post,
Kanyakumari District.

... Petitioner

Vs.

- 1.The Site Director,
Nuclear Power Corporation of India Limited,
Kudankulam Nuclear Power Project,
Kudankulam, Tirunelveli District.
- 2.The Chief Engineer,
Civil Infra & Estate Management,
Nuclear Power Corporation of India Limited,
Kudankulam Nuclear Power Project,
Kudankulam, Tirunelveli District.
- 3.The Additional Chief Engineer (C & EM),
Nuclear Power Corporation of India Limited,
Kudankulam Nuclear Power Project,
Kudankulam, Tirunelveli District.
- 4.The Engineer In-Charge,
Civil Township,
Nuclear Power Corporation of India Limited,



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Kudankulam Nuclear Power Project,
Kudankulam, Tirunelveli District.

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Completion Certificate dated 22.08.2022 for the Work Order No. 200949, issued by the 2nd and 4th respondent in the name of M.John Bosco, the father of the petitioner and quash the same as illegal and consequently direct the respondents to issue the Completion Certificates and Experience Certificates in the same of petitioner with respect to the works of Repairing of drains and drain covers at Anuvijay Township, Chettikulam-Phase-II (Work Order No. 200949) and Repair works of walkway platforms and kerb stone at Anuvijay Township (Phase II) (Work Order No.20095)' in the Nuclear Power Corporation of India Limited, (NPCIL) Kudankulam facilitating the petitioner to participate in all the future tenders eligible for Class-I contractors in NPCIL, Kudankulam in the nature and circumstances of the case, within a time frame that may be stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.V.Malayandran,
Central Govt. Standing Counsel.



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ORDER

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Heard the learned counsel on either side.

2.The petitioner is a registered contractor. His father by name Late.M.John Bosco was awarded contract by the first respondent to carryout the works of repairing of drains and drain covers at Anuvijay Township, Chettikulam-Phase-II in April 2021. M.John Bosco passed away on 06.05.2021. Thereafter a fresh agreement was entered into between the petitioner and the first respondent on 18.09.2021. In the meanwhile, work had already been commenced on 10.05.2021. The petitioner in order to be eligible to take part in other tender works, required completion certificate. While issuing the same, the fourth respondent issued it in the name of the petitioner's father. All that the petitioner wants is that the completion certificate should stand in his name.

3.No exception can be taken to the said request. It was the petitioner who had actually completed the works in question. A revised agreement was entered into between the petitioner and the first respondent also. Therefore, the impugned completion certificate is quashed and the fourth respondent is directed to issue a fresh completion certificate immediately and without any delay in the name of the writ petitioner.



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4.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2022

Index : Yes / No
Internet : Yes/ No
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Issue order copy on 30.08.2022.

Note: *The learned standing counsel is directed to communicate the same to the fourth respondent without waiting for the certified copy of the order.*



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G.R.SWAMINATHAN, J.

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