



WEB COPY



W.P.No.630 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.630 of 2023

M/s.Madras Infra
Represented by its Managing Partner,
Mr.B.S.Loganathan
31-1, Mayflower Avenue,
Meena Estate, Udayarpalayam,
Coimbatore.

... Petitioner

Versus

The Commissioner,
Coimbatore City Municipal Corporation,
Big Bazaar Street, Townhall,
Coimbatore-641 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider and pass appropriate orders on the representation of the petitioner dated 21.09.2022 wherein a request has been made for the payment of price escalation which according to the petitioner works out to Rs.3,45,67,504/- (Rupees Three Crore Forty Lakh Sixty Seven Thousand Five Hundred and Four only) within a reasonable time frame as fixed by this Court.

For Petitioner : Mr.K.Jayaraman

For Respondent : Mr.N.Velmurugan
Standing Counsel

ORDER



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This writ petition has been filed seeking a direction to the respondents to consider and pass appropriate orders on the representation of the petitioner dated 21.09.2022 wherein a request has been made for the payment of price escalation which according to the petitioner works out to Rs.3,45,67,504/- (Rupees Three Crore Forty Lakh Sixty Seven Thousand Five Hundred and Four only) within a reasonable time frame as fixed by this Court.

2. Mr.N.Velmurugan, takes notice on behalf of the respondent.

3. It is the case of the petitioner that the petitioner is a registered Class – I Contractor under the respondent Corporation. The petitioner has executed several works in all the Government Departments in Tamil Nadu and they successfully completed the projects. The respondent Corporation had issued work orders based on successful bidding in tender notifications issued between 2019 to 2020. The Respondent Corporation, considering the terms of the tender and also considering the implementation of works made by the petitioner, has given an extension to the work orders and the respondent have also informed the petitioner to do such extension of works at the same price of the tender already granted. The petitioner also completed the works during the extended period



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and the petitioner requested the respondent to pay price escalation for the works which have been executed after extension. The respondent informed that appropriate decision will be taken in this regard. However, no order is passed so far by the respondent. The petitioner made a representation to the respondent on 21.09.2022 requesting the payment of price escalation which according to the petitioner works out to Rs.3,45,67,504/- (Rupees Three Crore Forty Lakh Sixty Seven Thousand Five Hundred and Four only). There is no response from the respondent Corporation and hence, the present petition.

4. Such view of the matter, this Court is of the view that a positive direction cannot be given to pay the escalated price as the limited prayer sought for by the petitioner itself is only to consider his representation. Accordingly, the respondent is directed to consider the representation of the petitioner dated 21.09.2022 and pass appropriate orders on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. Merely because this Court directs the respondent to consider and pass orders on the representation and It would not give any right to the petitioner to claim escalated price. The disputed issue should be decided in accordance with the contractual terms.



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5. With the above directions, the writ petition is disposed of. No costs.

10.01.2023

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To

The Commissioner,
Coimbatore City Municipal Corporation,
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N.SATHISH KUMAR, J.

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