



Cont.P.No.180 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.04.2023

Coram:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Cont.P.No.180 of 2023

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M/s.Varadhan Infrastructure,
D.No.54, 8th Cross,
Thirumagal Nagar,
Peelamedupudur,
Coimbatore-641 004,
Rep. by its Partner S.Manikandan

.. Petitioner

Vs.

1. Mr.M.S.Prasanth, IAS.,
The Deputy Commissioner (R & F),
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.
2. Mr.K.Vijayakumar,
The Superintending Engineer (Mech),
Mechanical Engineering Department,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.
3. Mr.R.A.Prabhakaran,
The Executive Engineer,
Mechanical Engineering Department,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

.. Respondents



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Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for the wilful disobedience of the order of this Court in W.P.No.25400 of 2002, dated 21.09.2022.

For petitioner : Mr.S.Doraisamy

For respondents : Ms.P.T.Ramadevi

ORDER

This Contempt Petition is filed alleging wilful disobedience of the order of this Court dated 21.09.2022 passed in W.P.No.25400 of 2022.

2. The petitioner earlier filed W.P.No.25400 of 2022 for issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner, dated 22.07.2022 and made payment of Rs.28,20,247/- for the work executed by the petitioner during March 2021 - July 2021, in pursuant to the work order dated 31.07.2018 in M.E.D.C.No.M1/2511A/2016, on the file of the second respondent. Without expressing any opinion on the merits of the petitioner's representation or petitioner's contention, this Court had disposed of the said Writ Petition in the following lines in paragraph 3:

"3. Having regard to the limited scope of the prayer and without expressing any opinion on the petitioner's representation dated 22.07.2022 or the contention of the petitioner in the affidavit filed in



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support of the petition, the 1st and 2nd respondents are directed to consider the representation of the petitioner dated 22.07.2022 and pass appropriate orders on merits and in accordance with law. After hearing the petitioner, in case the respondents has no objection with regard to any amount due to be paid as towards work completed by the petitioner the same shall be disbursed as expeditiously as possible, preferably within a period of three months."

3. Stating that the above said representation of the petitioner, was not yet considered by the respondents, the present Contempt Petition has been filed.

4. Learned Standing Counsel appearing for the respondents produced before this Court a communication dated 07.02.2023 in M.E.D.C.No.M1/2204/2022, addressed to the petitioner by the Superintending Engineer (M/SWD), Mechanical Engineering Department, Greater Chennai Corporation, informing the petitioner-Company that the representation for balance payment for the work of installation and monitoring of on-line vehicle tracking system using GPS/GIS on hire basis for a period of three years for GCC vehicles by the petitioner, cannot be processed until completion of the investigation regarding the DVAC cases and concurrence from DVAC.



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5. The respondents have also filed counter affidavit pointing out that a reply was received from the Superintendent of Police, Special Investigation Cell-II, DVAC, vide RC.236/2021/PUB/HQ, dated 01.02.2023 stating that the petitioner is found involved in the conversion of the fund received from the execution of Government contracts in Chennai Corporation and one of the aiding associate firm in the mal-practices committed in the awarding and execution of Government contracts at Chennai Corporation on the influence of the then Minister for Local Administration, and hence, any payment on completion of the execution of contracts relating to Chennai Corporation may not be released till the completion of the investigation.

6. It appears that the respondents have ultimately rejected the said representation of the petitioner-Company only on the basis of the communication of the respondents received from the Superintendent of Police, Special Investigation Cell-II, DVAC, as noted above.

7. This Court has not issued any positive direction to the respondents while disposing of the above Writ Petition without expressing any opinion on the merits of the petitioner's representation.

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8. The further direction regarding disbursement was only in case the respondents have no objection.

9. Having regard to the admitted facts, this Court finds that the representation of the petitioner-Company has been rejected stating specific reasons. While exercising Contempt jurisprudence, this Court will not go into the reasons behind the rejection of the representation, as it will be open to the petitioner to challenge the rejection order on the representation, in the manner known to law.

10. Hence, this Contempt Petition is closed, recording the compliance of the said order of this Court in the Writ Petition. However, liberty is given to the petitioner to challenge the order rejecting the representation, in the manner known to law.

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To

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- 2.The Superintending Engineer (Mech),
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