



WEB COPY



W.P.No.2835 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.12.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.2835 of 2023

Arun
Proprietor,
M/s.Arun Indian Motors,
Office at No.5, Gandhi Road,
Salem – 636 007
Tamil Nadu

... Petitioner

Vs

1. The Chairman/District Collector,
District Rural Development Agency,
Salem.
2. The Project Director,
District Rural Development Agency,
Salem.
3. The Executive Engineer,
District Rural Development Agency,
Salem.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the balance sum of Rs.2,94,53,162/- at the earliest.



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For Petitioner : Mr.E.K.Kumaresan

For Respondents : Mr.P.Ananda Kumar
Government Advocate

ORDER

The petitioner is a contractor, who has rendered certain services to the respondent agency for implementation of solid waste management system in Salem District. In specific, the petitioner has supplied Battery Operated Vehicles (BOV) for collecting segregated solid waste from residential and commercial establishments in various village panchayats of Salem district.

2. The prayer is for a mandamus directing R1 being the Chairman, District Rural Development Agency/District Collector, Salem to pay a sum of Rs.2,94,53,162/- for supply of 321 Battery Operated Ekart vehicles to the respondents.

3. Pending Writ Petition, some amounts have, admittedly, been received by the petitioner and both learned counsel would agree that the amount pending as on date is Rs.43,78,007/-. There is a difference of Rs.200/- between the amount computed by the petitioner, which is Rs.43,78,264/- and the respondents, which is Rs.43,78,007/- This is hardly material in the larger scheme of things.



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4. In the status report filed by R1, it is stated that there are certain defects in the battery operated vehicles that have been supplied by the petitioner, which would have to be rectified by it.

5. Learned counsel for the petitioner states that the defects are being brought to the notice of the petitioner for the first time now. However, e-mail dated 16.11.2023 addressed to the petitioner pointing out the defects has been responded to by the petitioner vide e-mail dated 25.11.2023 stating that the service request will be attended to at the earliest.

6. It is made clear that, the disbursal of the balance amount would not hinge on compliance of service requests, which shall take place independently. Let the balance amount of Rs.43,78,007/- be paid within a period of eight (8) weeks from today.

7. This Writ Petition stands disposed as above. No costs.

01.12.2023

Index : Yes / No

Speaking order/Non-speaking order

Neutral citations: Yes/No

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DR.ANITA SUMANTH,J.

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To

1. The Chairman/District Collector,
District Rural Development Agency,
Salem.
2. The Project Director,
District Rural Development Agency,
Salem.
3. The Executive Engineer,
District Rural Development Agency,
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