



W.P.No.2049 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.2049 of 2018

and

W.M.P.No.2565 of 2018

M/s.The Indian Hume Pipe Co. Ltd.,
Rep. by its Deputy General Manager,
S.Arunachalam,
No.8, First Floor,
Gopalapuram,
Chennai – 600 006.

... Petitioner

Vs.

1.The Managing Director,
TWAD Board,
No.31, Kamarajar Salai,
Chepauk,
Chennai – 5.

2.The Chief Engineer,
TWAD Board,
No.30, Bharathi Park Road,
Siruvani Nagar,
Coimbatore – 43.

3.The Executive Engineer,
TWAD Board,
Major Project Division,
Coimbatore.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned circular issued by the 1st respondent in Circular No.1/Audit/A3/HO/2014 dated 14.03.2014 and quash the same as illegal, arbitrary and not binding upon the petitioner and consequently, directing the respondents to disburse the outstanding amount of Rs.60,64,561/- with interest at the rate of 18% per annum payable to the petitioner towards execution of the project namely providing Water Supply to Palladam Municipality, 23 Town Panchayats and 965 Rural Habitations in Coimbatore and Tiruppur Districts with Pillur Reservoir as source including paid maintenance of 12 months.

For Petitioners : M/s.B.Saravanan
Senior Counsel
for Mr.T.Sundaravadanam

For Respondents : M/s.S.Shahila Bhanu
Standing Counsel

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned circular issued by the 1st respondent in Circular No.1/Audit/A3/HO/2014 dated 14.03.2014 and quash the same as illegal, arbitrary and not binding upon the petitioner and consequently, to direct the respondents to disburse the outstanding amount of Rs.60,64,561/- with interest at the rate of 18% per annum payable to the petitioner towards execution of the project namely providing Water Supply to



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Palladam Municipality, 23 Town Panchayats and 965 Rural Habitations in

Coimbatore and Tiruppur Districts with Pillur Reservoir as source including paid maintenance of 12 months.

2. Mr.B.Saravanan, learned Senior Counsel for the petitioner would submit that, after the contract period is over, the respondents have invited the petitioner for negotiation of price adjustment and permit the petitioner to come before the authorities for price adjustment. If the petitioner is aggrieved by the price negotiation, liberty may be granted to the petitioner to workout the remedy in the manner known to law.

3. Heard both sides.

4. In view of the above, the writ petition is disposed of. However, liberty is granted to the petitioner to workout the remedy in the manner known to law if there is no amicable settlement between the petitioner and respondent-Board and the period pending before this Court is excluded for the purpose of limitation. No costs. Consequently, the connected miscellaneous petition is closed.

23.03.2023
(2/2)

Index : Yes / No
Speaking order / Non-speaking order
Netrual Citation Case : Yes / No
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M.DHANDAPANI, J.

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To

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