



WEB COPY

W.P.No.32939 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32939 of 2015

and

M.P.Nos.1 & 2 of 2015

P&C Constructions (P) Ltd.,
Represented by its Chairman and Managing Director,
P&C Towers, 2nd Floor,
140, Perundurai Road,
Erode – 638 011.

... Petitioner

Vs.

- 1.Tamil Nadu Water Supply and Drainage Board,
Represented by its Managing Director,
No.31, Kamarajar Salai,
Chepauk, Chennai – 600 005.
- 2.The Engineering Director,
TWAD Board, No.31, Kamarajar Salai,
Chepauk, Chennai – 600 005.
- 3.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
No.37, 1st Floor, Eswari Nagar,
M.C. Road, Thanjavur – 613 004.
- 4.The Superintending Engineer,
TWAD Board, Thiruchi-Pudukkottai Circle,
4, Bharathidasan Salai, Cantonment,
Thiruchirappalli – 620 001.



5. The Executive Engineer,
TWAD Board, Sewerage Division,
56-D, Malligai Illam, Rajaji Nagar,
Ariyalur – 621 713.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 5th Respondent made in his proceedings in Lr.No. F.CWSS to 281/SDO/Sew.Dn/Alr/2015 dated 31.08.2015 and quash the same and consequently direct the Respondents to settle all the dues and arrears payable to the Petitioner pending with the TWAD Board in its account immediately.

For Petitioner : Mr.G.R.Deepak

For Respondents : Ms.Shakila Banu
Standing Counsel [For TWAD]

ORDER

The writ petitioner is a contractor entered into a contract with the Tamil Nadu Water Supply and Drainage Board for providing (WSIS) to 281 habitations in Jeyankondam Union in Ariyalur District, including maintenance of the scheme for a period of 12 months. Admittedly, the period of contract was for one year it was expired in the year 2010. As per the termination order dated 30.09.2014, the Executive Engineer, TWAD Board,



Sewerage Division, Ariyalur passed an order for additional cost involved for commissioning the scheme will be recovered from the petitioner.

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2. The learned counsel appearing on behalf of the respondents / TWAD Board made a submission that the period of contract expired in the year 2011 and after terminating the contract with the petitioner / company the TWAD Board allotted the contract in favour of the other company, who in turn executed the works in all respects and the project is functioning.

3. Regarding contractual obligations, Writ Court cannot adjudicate the issues on merits. The petitioner has to redress his grievances, if any, by way of adjudication based on the original documents and evidences before the competent authority or Forum. The contract of the petitioner was terminated in the year 2011 itself. Subsequently, the said work was allotted in favour of the other contractor, who in turn completed the work and functioning as of now. That being the factum, the petitioner has to approach the Competent Civil Court, if any grievances exist in the matter of contractual obligation.



W.P.No.32939 of

4. The order challenged in this writ petition in proceedings dated 31.08.2015, wherein, the respondents impose extra cost. In view of the fact that the extra cost is a disputed fact between the parties with reference to the terms and conditions of the contract, the petitioner is at liberty to approach the Competent Court or Forum for adjudication of issues on merits and in accordance with law.

5. The petitioner in the event of approaching the Civil Court, the Court concerned shall taken into consideration the period during which the writ petition was pending before the High Court for the purpose of condoning the delay.

6. With these observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.03.2023
(2/2)

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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S.M.SUBRAMANIAM, J.

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