



W.P.No.9020 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9020 of 2023

And

W.M.P.Nos.9150 and 9151 of 2023

M/s.Thukkaram Builders and
Contractors Pvt. Ltd.,
Rep. by Director
C.L.Thukkaram

... Petitioner

Vs.

1.The Tamil Nadu Veterinary and
Animal Sciences University
Represented by the Registrar,
Madhavaram Milk Colony,
Chennai – 600 051.

2.Estate Officer (Incharge)
Estate Office,
The Tamil Nadu Veterinary and
Animal Sciences University
Madhavaram Milk Colony,
Chennai – 600 051.

3.Assistant Executive Engineer (Civil)
Bio – Engineering Section,
Madras Veterinary College,
The Tamil Nadu Veterinary and
Animal Sciences University
Vepery,
Chennai – 600 007.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to Lr.No.1233/TANUVAS/EO/Semem Bank/MVC/2022 dated 15.03.2023 received on 16.03.2023 of second respondent namely the Estate Officer in charge, Tamil Nadu Veterinary and Animal Sciences University, Madhavaram Milk Colony, Chennai – 600 051 and quash the same and direct the respondents one, two, three namely The Tamil Nadu Veterinary and Animal Sciences University represented by the Registrar, Madhavaram Milk Colony, Chennai – 600 051, the Estate Officer in charge, Tamil Nadu Veterinary and Animal Sciences University, Madhavaram Milk Colony, Chennai – 600 051, the Assistant Executive Engineer, Bio – Engineering Section, Madras Veterinary College, Tamil Nadu Veterinary and Animal Sciences University, Vepery, Chennai – 600 007 to permit the petitioner to continue and complete repare and renovation work in pursuant to the contract dated 08.09.2021.

For Petitioner : Mr.S.Elamurugan
for M/s.Leela Elamurugan
For Respondents : Mr.S.Vijayakumar
Senior Counsel
Mr.C.K.Chandrasekar



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to Lr.No.1233/TANUVAS/EO/Semem Bank/MVC/2022 dated 15.03.2023 received on 16.03.2023 of second respondent and to quash the same and direct the respondents to permit the petitioner to continue and complete the repair and renovation work in pursuant to the contract dated 08.09.2021.

2.The case of the petitioner is that the petitioner is a Company registered under the Companies Act and is a registered contractor in the Department of Public Works. The first respondent in the name of second respondent invited for tender to carry out the work of repair and renovation to Semen Bank Building for the Department of Animal Genetics and Breeding at Madras Veterinary College. The petitioner Company submitted their tender and the tender inviting Authority accept the petitioner's tender on 08.09.2021 with a condition that the petitioner has to complete the entire work within three months from 08.09.2021. Since the work was not completed within the stipulated time for various reasons, the contract was terminated on 15.03.2023. Hence, this writ petition.



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3.The learned counsel appearing for the petitioner submitted that due to various reasons including for want of drawing and handing over part of site the work got delayed, however, the contract was terminated on 15.03.2023. However, if the impugned order is withdrawn, the petitioner will complete the work within a period of one month. Accordingly, the learned counsel filed the additional affidavit of the petitioner dated 23.03.2023 before this Court.

4.The learned Senior Counsel appearing for the respondents submitted that if the respondents agree to withdraw the impugned order and allow the petitioner to work, the petitioner has to complete the entire work within one month to the satisfaction of the first respondent. If the petitioner does not complete the work within one month, then appropriate orders will be passed by invoking the clause in the agreement.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Admittedly, the petitioner was awarded with the contract to



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carry out the work of repair and renovation to Semen Bank Building for the Department of Animal Genetics and Breeding at Madras Veterinary College on 08.09.2021 with a condition that the petitioner has to complete the entire work within three months from 08.09.2021. Since the work was not completed within the stipulated time for various reasons, the contract was terminated on 15.03.2023.

7.The case was passed over in the Morning session. When the case was called in the Afternoon session, the learned counsel appearing for the petitioner filed the additional affidavit of the petitioner dated 23.03.2023 before this Court. It is useful to extract hereunder the relevant portion of the additional affidavit of the petitioner dated 23.03.2023:

"5. I submit that this Hon'ble Court when hearing the matter on 23/3/2023 was pleased to appreciate the genuineness of the offer made by me and suggested that the work to be completed within a period of one month. I am ready and willing to continue the work for a period of one month irrespective of holidays followed by the 3rd Respondent office."



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8. In view of the above, the respondents are directed to withdraw the impugned order dated 15.03.2023 and allow the petitioner to work. The petitioner shall complete the entire work to the satisfaction of the first respondent within a period of one month from the date of receipt of a copy of this order. If the petitioner fail to complete the work within a period of one month from the date of receipt of a copy of this order, liberty is granted to the first to proceed with the matter in accordance with the terms of the agreement clause.

9. The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

23.03.2023

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Note: Issue order copy on 24.03.2023

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No



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To

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Animal Sciences University
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- 2.Estate Officer (Incharge)
Estate Office,
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Vepery,
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M.DHANDAPANI,J.
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