



WEB COPY



W.P.No.13757 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 13757 of 2023

K.S.Mani Electrical,
Rep. By its Proprietor,
K.S.Subramanian,
No.H.O.50, 3rd Cross Street,
Velmurugan Nagar,
Kuyavarpalayam,
Pondicherrr.

... Petitioner

Vs.

1. The Government of Puducherry,
Represented by its Secretary,
Public Works Department,
Puducherry.

2. The Chief Engineer,
Public Works Department,
Government of Puducherry,
Central Office, Puducherry.

3. The Superintending Engineer,
Circle-II, Public Works Department,
Government of Puducherry,
Puducherry.

4. The Executive Engineer,
Public Health Division,
Public Works Department,
Government of Puducherry,
Puducherry- 605 001.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to consider and dispose of the representation given by the petitioner dated 23.03.2023 for the settlement of Bills and release of the payments for the works executed with due interest as requested in a definite time frame.

For Petitioner : Mr.Thirumalai

For Respondent : Mr.M.Ramasamy Mayappan, GA
Puducherry

O R D E R

Mr.M.Ramasamy Mayappan, learned Government Advocate takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. The Writ Petition has been filed seeking a direction to the second respondent to consider and dispose of the representation given by the petitioner dated 23.03.2023 for the settlement of Bills and release of the payments for the works executed with due interest as requested in a definite time frame.

3. It is the case of the petitioner that the petitioner company is carrying on the works of civil and Engineering related works in the name



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of K.S.Mani Electricals and possess the status of CPWD Class-I and A Grade contractor and deals with all kind of HT & LT works. The petitioner was entrusted with the electrical works viz., providing electric service connection, supplying and commissioning of stand by 630 KVA transformer, providing of HT/LT lines & Supply, erection and testing of transformers, DP structure, ACB panel with interlocking arrangements in necessary HT/LT underground enable in various circles in Puducherry by the Public Works Department. The petitioner completed entire works which was provided by the respondents, but the respondents have not paid the bills so far. Therefore, the petitioner made a representation on 23.03.2023 to the second respondent for release of pending payments. The same is not consider and hence, the present writ petition has filed.

4. The learned counsel for the petitioner submitted that this Court may issue a direction to the second respondent to consider the petitioner's representation and pass appropriate orders within the stipulated time as fixed by this Court.

5. Heard the learned counsel for the petitioner and the learned



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Government Counsel appearing on behalf of the respondents and perused the materials available on record.

6. In such view of the matter, this Court is of the view that a positive direction cannot be given to settle the bills along with interest as the limited prayer sought for by the petitioner and he has filed the present writ petition only to consider his representation. Accordingly, the second respondent is directed to consider the representation of the petitioner dated 23.03.2023 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Merely because this Court directs the second respondent to consider and pass orders on the representation and it would not give any right to the petitioner to claim the bills. The disputed issue should be raised in accordance with the contractual terms.

7. With the above direction, the writ petition stands disposed of.

No costs.

28.04.2023

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Index : Yes/No

Internet : Yes/No



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