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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.12638 of 2023

K.Durvasalu

Petitioner

vs.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.

2.The Superintending Engineer,
Bus Route Road Department,
Corporation of Chennai.
Chennai – 600 003.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to release the payment of Rs.25,60,588/- to the petitioner with interest in the name of retention amount for work executed by the petitioner as per the work order in B.R.R.C.No. B1/0358/2015 dated 23.03.2015 on the file of the 2nd respondent as per the representation of the petitioner dated 15.03.2019 and 05.12.2022.

For Petitioner : Mr.V.Elangovan

For Respondents : Mrs.P.T.Ramadevi
Standing Counsel

**ORDER**

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This writ petition has been filed for issue of writ of mandamus directing the respondents to release the payment of a sum of Rs.25,60,588/- to the petitioner towards the work executed by the petitioner as per the work order dated 23.03.2015, based on the representations made by the petitioner on 15.03.2019 and 05.12.2022.

2.Heard Mr.V.Elangovan, learned counsel appearing on behalf of the petitioner and Mrs.P.T.Ramadevi, learned Standing Counsel appearing on behalf of the respondents.

3.The petitioner is a Class-I Contractor and the 2nd respondent during the year 2015 had called for a tender to undertake strengthening and relaying of a road. The petitioner participated in the tender and was declared to be the successful bidder. The work order was issued by the 2nd respondent through proceedings dated 23.03.2015 and the petitioner executed the work within the time stipulated.

4.The further case of the petitioner is that as per the payment clause, a sum of Rs.25,60,588/- was retained by the 2nd respondent towards the retention amount till the completion of the defect liability period of three years. This period also came to an end on 19.11.2018.



5. The grievance of the petitioner is that in spite of the expiry of the defect liability period, the retention amount was not released to the petitioner and the petitioner made various representations in this regard. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

6. The learned Standing Counsel appearing on behalf of the Corporation on instructions submitted that there were some audit objections and as a result, the retention amount was not released immediately. The learned Standing Counsel submitted that the amount will be released, within a period of four weeks.

7. Recording the submissions made by the learned Standing Counsel, this writ petition is disposed of with a direction to the respondents to release the retention amount to the petitioner, within a period of four weeks. No Costs.

24.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr



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N. ANAND VENKATESH, J.

ssr

To

1.The Commissioner,
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Chennai – 600 003.

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