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W.P.No.11860 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.11860 of 2020

P.S.K.Infrastructures and Projects Private Limited,
Rep.by its Authorised Signatory,
Putta Sudakar,
Branch Office 26, Chari Street,
North Usman Road,
T.Nagar, Chennai – 600 017.

...Petitioner

Vs.

1. The General Manager,
Head Zonal Office,
IDBI Bank Ltd.,
Main Branch, Chapel Road,
Hyderabad – 500 001,
Telungana.
2. IVRCL, Chengapalli Tollways Ltd.,
M-22/3R.7, Vijaya Nagar Colony,
Hyderabad – 500 057,
Telungana.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the representation given by the petitioner dated 18.07.2020 regarding release of payments payable to petitioner for Bituminous work done from Chengapalli to Coimbatore Bypass in the NH 47 as per the guarantee letter issued by IDBI Bank.



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For Petitioner : Mr.K.R.Krishnan

For Respondents : Ms.Pallavi Shankaran for
M/s.S.Sathyanarayanan for R1

Mr.J.Ravikumar for R2

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus to direct the first respondent to consider and pass orders on the representation given by the petitioner dated 18.07.2020 regarding release of payments payable to petitioner for Bituminous work done from Chengapalli to Coimbatore Bypass in the NH 47 as per the guarantee letter issued by IDBI Bank.

2. It is the case of the petitioner that the National Highways Authority of India awarded contract for construction of 6 laning from Chengapally to Coimbatore Bypass section of NH 47. Originally the contract was awarded to IVRCL / second respondent and the sub contract was awarded to the petitioner. However, in the year 2017, IVRCL had faced many difficulties with the company creditors and the bill to be paid to the petitioner was delayed several times, due to which, the petitioner stopped the work and



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informed the first respondent / IDBI Bank. Upon firm assurance from IDBI Bank, the petitioner had restarted the work and completed their scope of bituminous balance work during the year 2018. Since the first respondent has not released the payment, the petitioner made a representation dated 18.07.2020 to the first respondent. However, the same was not considered. Hence, the present writ petition has been filed seeking the relief supra.

3. Though very many grounds have been raised in the above writ petition, it would suffice if this Court issues a direction to the first respondent to consider the representation dated 18.07.2020 and pass appropriate orders within the time frame that may be stipulated by this Court.

4. On the above contentions heard learned counsel appearing for respective respondents and perused the materials placed on record.

5. Though the petitioner has filed the present writ petition seeking a direction to the first respondent to consider the petitioner's representation dated 18.07.2020 with regard to releasing the payment for the bituminous



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work done by them as per the guarantee letter issued by the first respondent

Bank, however, no such material evidence i.e., guarantee letter is produced before this Court in order to substantiate their claim. More so, the present writ petition is not maintainable as against the private sector Bank. Hence, this Court is not inclined to grant any affirmative direction in favour of the petitioner. However, liberty is granted to the petitioner to work out their remedy in the manner known to law.

6. With the above observation and reasons, this writ petition is dismissed. No costs.

12.06.2023

(rap)

NCC : Yes/ No

Speaking Order : Yes/ No

Index : Yes/ No



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M.DHANDAPANI., J.

(rap)

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