



WEB COPY



W.P.Nos.13632, 13639 & 13646 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.04.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.13632, 13639 & 13646 of 2023

M/s.P.S.T.Engineering Construction
No.2/352, Vavipalayam,
Kolaram POST, Paramathy Velur Taluk,
Namakkal, Tamil Nadu - 637003.
Represented by its Managing Partner
Mr.V.S.Thennarasu ... Petitioner in W.P.No.13632 of 2023

M/s.Arasu Hitech Infra Pvt Ltd
No.5/73-D, West Street,
Nallipalayam, Namakkal
Tamil Nadu
Represented by its Authorised Signatory
Mr.S.Sukumar ... Petitioner in W.P.No.13639 of 2023

M/s.Tharun Construction and Co
Door No.7, First Floor, Housing Board,
TodHunter Nagar, Saidapet,
Chennai, Tamil Nadu - 600015.
Represented by its Authorised Signatory
Mr.R.Udhayakumar ... Petitioner in W.P.No.13639 of 2023

Vs

1.The Superintending Engineer
Public Works Department
Buildings (C&M) Circle
Medical Works, Government of Tamil Nadu
Chepauk, Chennai - 600005.

2.The Superintending Engineer,



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Public Works Department, W.R.O.
Bhavani Basin Circle
Government of Tamil Nadu
Erode - 11.

3.The Superintending Engineer (H)
Highways Department (Metro Wing)
Chennai Metropolitan Development Plan Circle Division - I
Government of Tamil Nadu
Nandanam, Chennai - 600035.

4.The Superintending Engineer,
Public Works Department, W.R.O.
Palar Basin Circle
Government of Tamil Nadu
Chennai - 600005.

5.The Superintending Engineer
Public Works Department
Buildings (C&M) Circle
Government of Tamil Nadu
Salem - 7.

6.The Managing Director
Tiruppur Smart City Ltd
Department of Municipal Administration and Water Supply
Government of Tamil Nadu
Tiruppur - 641604.

7.The Executive Engineer
Public Works Department
Kosasthalaiyar Basin Division - WRD,
Government of Tamil Nadu
Thiruvallur - 602003.



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8.The Superintending Engineer
CIT Nagar Redevelopment Works Division
Tamil Nadu Housing Board
Government of Tamil Nadu
Nandanam, Chennai - 600035.

9.The Chief General Manager
Tamil Nadu Road Development Company Ltd
Government of Tamil Nadu
Chennai - 600028.

10.The Estate Office I/C,
Tamil Nadu Veterinary and Animal Science University
Madhavaram Milk Colony
Chennai - 600051.

11.The Divisional Engineer
National Highways Department
Ministry of Road Transport and Highways
Government of India
Vellore - 632001.

... Respondents in W.P.No.13632 of 2023

1.The Superintending Engineer
Public Works Department
Buildings (Construction & Maintenance) Circle
Medical Works,
Government of Tamil Nadu
Chepauk, Chennai - 600005.

... Respondent in W.P.No.13639 of 2023

1.The Superintending Engineer
Public Works Department
Buildings (Construction & Maintenance) Division
Govt of Tamil Nadu
Coimbatore - 641001.



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2.The Managing Director

Tamil Nadu Urban Habitat Development,
Govt of Tamil Nadu
Chennai - 600005.

3.The Superintending Engineer

State Industrial Promotion Corporation of Tamil Nadu Limited
SIPCOT Industrial Growth Center
Govt of Tamil Nadu
Oragadam, Chennai.

4.The Superintending Engineer

Public Works Department
Buildings (C&M) Circle
Govt of Tamil Nadu
Salem - 7.

... Respondents in W.P.No.13646 of
2023

PRAYER in W.P.No.13632 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents No.1 to 11 to dispose of the representations sent to them by the petitioner dated 14.10.2022 and 27.12.2022 in a time bound manner.

PRAYER in W.P.No.13639 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider, respond and dispose of the representations sent to them by the petitioner dated 27.12.2022 in a time bound manner, preferably within a period of four weeks.

PRAYER in W.P.No.13646 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the



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respondents No.1 to 4 to consider, respond and dispose of the Representations sent to them by the petitioner dated 27.12.2022 in a time bound manner.

In all W.P.'s

For Petitioner : Mr.M.V.Swaroop

For Respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader

COMMON ORDER

Mr.Sajeev Kumar, learned Special Government Pleader accepts notice for the respondents and is armed with necessary instructions to enable final disposal of these matters.

2. The petitioners seek mandamus directing the respondents, who are officials of various Government Departments, such as Public Works Department, Road Transport and Highways Department, Municipal Administration and Water Supply, Tamil Nadu Housing Board, Tamil Nadu Road Development Company, Tamil Nadu Veterinary and Animal Science University, Tamil Nadu Urban Habitat Development and State Industrial Promotion Corporation of Tamil Nadu Limited, to consider and dispose their representations, all dated 27.12.2022 filed before each one of the respondents.

3. The petitioners claim to be construction companies and were awarded tenders for various activities by the respondent Departments. Representations made before the authorities seek settlement of various dues that the petitioners



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claim as against the respondents pursuant to being successful bidders in the tenders awarded to them and completion of works under the tenders.

4. While the petitioners claim to have remitted 18% GST on the turnover from the contracts, they have been reimbursed only to the extent of 12%. Hence they claim that the following Notifications are liable to be taken into account by the respondents in the proper fixation of GST liability and consequent reimbursement.

- i) Notification No.11/2017 – Central Tax (Rate) dated 28.06.2017
- ii) Notification No.20/2017 – Central Tax (Rate) dated 22.08.2017
- iii) Notification No.03/2022 – C.t.(R) dated 13.07.2022

5. Since Mr.Sajeev would accede to the position that the representations dated 27.12.2022 have, indeed, been received by the respondents, a time limit of six (6) weeks from date of receipt of a copy of this order is fixed, during which time, the petitioners shall be called upon by issuance of notice, heard and their representations disposed in accordance with law taking into account the aforesaid Notifications as well as any other applicable Notifications, orders/Circulars in this regard.

6. These Writ Petitions are disposed as above. No costs.

28.04.2023

Index : Yes / No

Speaking/non-speaking Order



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Neutral Citation: Yes/No
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To

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Buildings (C&M) Circle

Medical Works,

Government of Tamil Nadu

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Chennai Metropolitan Development Plan Circle Division - I

Government of Tamil Nadu

Nandanam, Chennai - 600035.

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Dr.ANITA SUMANTH,J.

Sl

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