



W.A.No.1352 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.1352 of 2023

M/s. Sikora Salvador International Limited
Rep by its authorized signatory, S.Ramakrishnan
Office at No.259/1, Bypass Road
Poonamallee
Chennai – 600 056.

.. Appellant

Vs

- 1 The Member Secretary
Chennai Metropolitan Development Authority
Egmore, Chennai – 600 008.
- 2 The Commissioner
Poonamallee Municipality
Poonamallee
Chennai - 600 056.
- 3 Tamil Nadu Construction Welfare Board
No.8 Valluvar Kottam High Road
Nungambakkam, Chennai-600034.

.. Respondents



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Prayer: Appeal under Clause 15 of the Letters Patent against the order 13.4.2023 passed in W.P.No.31836 of 2023 by the learned Single Judge.

For the Appellant : Mrs.Reshmi Christy

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The appellant had filed a writ petition to direct the second respondent to refund the amount remitted towards building approval and other infrastructural charges, i.e., Rs.19.50 lakh, by considering the appellant's representation dated 15.7.2022.

2. Mrs.Reshmi Christy, learned counsel for the appellant, submits that, in a similar matter filed by another similarly situated person, the learned Single Judge had allowed the writ petition directing the Municipal Council to refund the amount. The Court ought to have passed an order directing the



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Municipality to refund the amount. It is submitted that an arbitration award is also passed in favour of the appellant and against the contractor.

3. The learned Single Judge, after going through the conditions and the rival contentions, observed that some of the amounts are refundable and some are not refundable. Disputed questions of fact would arise and as such has directed the Municipality to decide the objection of the appellant within ten weeks and further granted liberty to the appellant to assail the order if passed against the appellant.

4. The Municipality is bound to take a decision upon the representation of the appellant as has been directed by the learned Single Judge of this court in the impugned order. The order of the learned Single Judge is self-explanatory.

In the light of that, there is no propriety in entertaining the



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present appeal. The writ appeal stands disposed of. All contentions of the appellant on merits regarding the refund of the claim are kept open. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

03.07.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESSAVALU,J.

(sasi)

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