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Writ Petition No.17758 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17758 of 2023

U.P.Rammaiah
S/o.Palanisamy

...Petitioner

Vs

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

2.The Zonal Officer,
Zone IX, Nungambakkam,
Greater Chennai Corporation,
Chennai - 600 034.

3.The Executive Engineer,
Zone IX, Nungambakkam,
Greater Chennai Corporation,
Chennai - 600 034.

...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to refund the retention amount regarding the tender in Z.O.IX.C.No.B1/3812/2018-4, dated 23.09.2019, by considering the petitioner's representation dated 01.02.2023 within a time stipulated by this Court.



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For Petitioner : Mr.S.Mukunth, Senior Counsel
for M/s.KV Law Firm
For Respondents : Mrs.P.T.Ramadevi
Standing Counsel

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the Chennai Corporation to refund the retention amount by considering the representation made by the petitioner on 01.02.2023 within the time stipulated by this Court.

2. Heard Mr.S.Mukunth, learned Senior Counsel appearing for petitioner and Mrs.P.T.Ramadevi, learned Standing Counsel appearing for respondents.

3. The petitioner participated in the tender called for by the Chennai Corporation and he was the highest bidder. The work order was issued in favour of the petitioner and he completed the work in the year 2019. As per the terms of contract, the Corporation is entitled to retain 2.5% of the total value of the work as retention amount to ensure that the work completed by the petitioner is up to the standard. The retention period of three years came to an end on 31.07.2022.



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4. The petitioner thereafter made a representation to the Corporation to refund the retention amount. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

5. It is seen from records that the same petitioner had earlier approached the Court and filed W.P.No.31408 of 2022 against the Corporation and that was also a case where the retention amount was not repaid to the petitioner for a different contract. It is only after directions were issued by this Court by order dated 05.01.2023, the retention amount was refunded. Unfortunately, the petitioner has once again been placed in the same position with respect to yet another contract where the retention amount is yet to be refunded.

6. Taking into consideration the facts and circumstances of the case and also the nature of grievance expressed before this Court, there shall be a direction to the first respondent to deal with the representation dated 01.02.2023 and refund the retention amount within a period of four (4) weeks from the date of receipt of a copy of this order, if the petitioner is otherwise eligible to receive the same.



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N.ANAND VENKATESH, J

gm

In the result, this writ petition is disposed of with the above
direction. No costs.

15.06.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

1.The Commissioner,
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