



WEB COPY



W.P.No.22141 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22141 of 2023

M/s.KCP Infra Limited
Represented by its Director
K.Muthukumarasamy
No.4, Ground Floor, Aalayam Space
Aanandha Road, Alwarpet
Chennai 600 018.

...Petitioner

Vs.

The Commissioner
Coimbatore City Municipal Corporation
Townhall
Coimbatore 641 001.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider and pass appropriate orders on the representation of the petitioner dated 16.09.2022 wherein a request has been made for considering the payment of price variation arising out of Diesel price escalation for the Tipper Lorries which



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were engaged on contract basis for the collection of municipal solid waste in various zones of the respondent corporation insofar as the contracts executed by the petitioner company, within a reasonable time frame as fixed by this Court.

For Petitioner : Mr.Ganesh and Ganesh

For Respondent : Mr.D.Ferdinand
for Mr.N.Velmurugan
Standing Counsel

ORDER

The petitioner herein seeks a direction to the respondent to consider the representation of the petitioner dated 16.09.2022 and pass suitable orders by taking into consideration the diesel price escalation.

2. According to the petitioner, he was awarded a contract by the respondent's corporation for lifting solid waste collected in the respondent corporation. The petitioner even after expiry of the contract period till selection of the new contractor continued the work. However, for the extended period, the respondent's corporation failed to take into consideration the



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escalation of diesel price and therefore, the petitioner submitted a representation dated 16.09.2022 to the respondent to consider the escalation in diesel price and pass necessary orders for payment of price variation. The said representation has not been considered by the respondent till date even after lapse of nearly 10 months.

3. Mr.D.Ferdinand, learned counsel appearing for Mr.V.Velmurugan, learned Standing Counsel, takes notice for the respondent and on instructions submitted that the said representation will be considered by a committee consisting of three persons including technical experts.

4. In view of the limited prayer made in this Writ Petition, without expressing any opinion on the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the respondent to consider the representation of the petitioner dated 16.09.2022 and pass final orders on merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order.



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S.SOUNTHAR, J.

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5. With the above direction, this Writ Petition is disposed of. No

costs.

27.07.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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To

The Commissioner
Coimbatore City Municipal Corporation
Townhall
Coimbatore 641 001.

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