



W.M.P.No.21620 of 2023

in

W.P.No.3868 of 2023

WEB COPY

C.V.KARTHIKEYAN , J.

This miscellaneous petition has been filed seeking clarification of an earlier order of this Court dated 24.02.2023. In that particular order, it had been observed and held as follows:-

"4.The learned counsel for the petitioner stated that at least 30% of the value of the Contract may be paid. If it is according to the rules and if 30% of the amount could be paid to the petitioner, without putting the respondent to loss, the respondent may take a decision about the payment of 30% towards work done by the petitioner herein. I leave it to the discretion of the respondent and if they take a decision to pay the amount, they should pay the same within a period of three weeks from the date of receipt of a copy of this order.

With the above directions, this writ petition stands disposed of. No costs."

2. Learned counsel states that the petitioner was called for personal hearing on 23.02.2023 and thereafter, the respondents passed an order on 25.05.2023, rejecting payment of 30%. Aggrieved by that particular order, this petition has been filed seeking clarification primarily, seeking deletion of the word 'discretion' used in the order dated 24.02.2023.



WEB COPY



C.V.KARTHIKEYAN , J.

ssm

3. That cannot be done by clarification but the petitioner always has right to question the order dated 25.05.2023 in the manner know to law by a separate proceedings, since it creates a separate and fresh cause for the petitioner to exercise their rights for claiming 30% of the contract value.

4. This petition, therefore, is closed with the above observation.

08.09.2023

ssm

W.M.P.No.21620 of 2023
in W.P.No.3868 of 2023