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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.11.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.33539 of 2023
& WMP.No.33356 of 2023

M.Sivasubramaniam

... Petitioner

Vs

1.The Chairman Cum Managing Director,
Neyveli Lignite Corporation Ltd.,
Corporation Office, Block No.1,
Neyveli 607 801.

2.NLC India Limited,
Rep. By its General Manager,
Unit Head/Mine-II,
Neyveli 607 802

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to extend the further time for execution of the contract awarded under LOA.No.M II/ NASH/ SMD/DCB/MSME/C004/22-23 dated 05.10.2022 till May 2024 and consequently direct the 2nd respondent to revise the Agreement No.M II/NASH/SMD/C004/90501492/AGT-II/22-23 dated 10.02.2023 without levying any LD or any other penal charges and to enable the petitioner to complete the work based on the petitioner's representation dated 25.10.2023 and 15.11.2023.



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For Petitioner : Mr.M.Vijay Anand

For Respondents : Mr.N.Nithyanandam
Standing Counsel

ORDER

The petitioner has responded to a tender issued by the respondents/Neyveli Lignite Corporation Ltd. (NLC) on 31.05.2022 and has been awarded a contract. The period of contract expired on 28.10.2022.

2. A reading of the writ affidavit reveals, prima facie, that there were delays in the petitioner completing the work entrusted by the respondents to him. In fact, the respondents also appear to have been corresponding with the petitioner in regard to the slow progress of the contracted work.

3. While the petitioner has, in the writ affidavit, proceeded to make an attempt to explain such delays, it is not for the Court to consider the same. The petitioner has, in conclusion, sought a mandamus directing the second respondent, General Manager, NLC to grant further time for extension of the contract awarded under LOA.No.M II/ NASH/ SMD/DCB/MSME/C004/22-23 dated 05.10.2022, till May, 2024.

4. Consequential direction is sought to R2 to revise agreement bearing No. M II/NASH/SMD/C004/90501492/AGT-II/22-23, dated 10.02.2023 with a



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further direction not to levy liquidated damages or any other penal charges to enable the petitioner to complete the work under the contract.

5. Mandamus of this nature cannot even be considered by the Court, as admittedly, the period of contract expired on 28.10.2023. Extension or otherwise is the sole prerogative of the entity that has engaged the petitioner/contractor and hence the request for mandamus is rejected.

6. Be that as it may, the petitioner has also made representations dated 25.10.2023 and 15.11.2023 and it is for the respondents to consider the same in accordance with law and strictly in accordance with the contractual terms and all other prevailing Rules and Regulations and at its sole discretion.

7. This Writ Petition stands dismissed. No costs. Connected Miscellaneous Petition is also dismissed.

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Index : Yes / No

Speaking order

Neutral citations: Yes

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To

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Dr.ANITA SUMANTH,J.

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2.NLC India Limited,
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