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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.12.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.35915 of 2023

KCP Infra Limited
Represented by its Director
P.Rangaraj
No.4, Ground Floor, Alayam Space
Anandha Road, Alwarpet
Chennai 600018

... Petitioner

Vs

1.The Chief Engineer
Chief Engineers Office Complex
Highways Department
HRS Campus, 76, Sardar Patel Road
Little Mount, Guindy
Chennai-600025

2.The Superintending Engineer (H),
C & M Circle,
Thiruchirapalli-620020

3.The Divisional Engineer (H)
C & M Circle,
Thanjavur – 613001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents 1, 2 and 3 to act upon the proceedings dated 10.08.2022 in Memo No.TRP-79/2020-21/DO-1 of



the 2nd respondent and also on the representations sent thereafter by the petitioner company on 21.11.2022 and 31.03.2023 for making the payment of a sum of Rs.42,43,52,644/- (Rupees Forty Two Crores Forty three lakh fifty two thousand six hundred and forty four only) which is due and payable to the petitioner company on the completed works as per Work order dated 01.09.2020 bearing letter No.TRP 79/2020-2021/DO1 of the 2nd respondent, within a time frame as fixed by this Honourable Court.

For Petitioner : Mr.C.P.Hemkumar
for M/s.Ganesh and Ganesh
For Respondent: Mr.P.Ganesan
Additional Government Pleader

ORDER

The petitioner has sought a mandamus directing the respondents to act upon proceedings dated 10.08.2022 in Memo No.TRP-79/2020-21/DO-1 of the second respondent and the representations sent thereafter by the petitioner on 21.11.2022 and 31.03.2023, to, in effect, make payment of a sum of Rs.42,43,52,644/-, which is outstanding.

2. The petitioner had been issued a work order on 01.09.2020 in letter No.TRP 79/2020-2021/DO 1 by the Superintending Engineer (H), (C&M) Circle, Thiruchirapalli/R2. The petitioner would submit that the work order has been executed but there are payments which are pending in that regard.



3. The writ affidavit contains various averments in regard to the quantification of the outstanding, which this Court does not refer to, as they will constitute questions of facts to be looked into and resolved by the parties.

4. Mr.P.Ganesan, learned Additional Government Pleader who accepts notice for the respondents would circulate a copy of letter No.2329/2023/A2 dated 21.12.2023, a copy of which has been supplied to the learned counsel for the petitioner for onward transmission to the petitioner. In that letter, the respondents state that the petitioner was asked for various particulars including price variation booklet with original invoices for bitumen and furnace oil in the name of the contractor, which are yet to be received.

5. The written instructions make it clear that while the respondents are ready to consider the request for settlement of the outstanding, it is the absence of invoices in the name of the contractor that is posing a hindrance to the same. The respondents assure the Court that upon receipt of necessary documents from the petitioner, revised administrative sanction would be obtained and the outstandings settled as appropriate.

6. In light of the above, the petitioner is permitted to approach R2 with the documents as sought for by them as well any others that may be called for, upon



receipt of which, the respondents will ensure that the outstandings are settled as expeditiously as possible.

7. This Writ Petition is disposed as above. No costs.

22.12.2023

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Index : Yes / No

Speaking Order: Yes

Neutral Citation: Yes

To

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