



WP (MD) No. 5705 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.5705 of 2016

M/s.RPP Infra Proejcts Limited,
Represented by its Whole Time Director A.Nithya
SF.No.454, Ragupathynaiken Palayam,
Poondurai Road,
Erode – 638 002.

...Petitioner

Vs

The Commissioner,
Thanjavur City Municipal Corporation,
Gandhiji Road,
Thanjavur – 613 001.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of manamus directing the respondent to make payment of sum of Rs.55,51,646/- towards the Security amount and a sum of Rs.9,50,000/- towards the EMD amount payable to the petitioner for execution of the work, namely, construction of RCC pipe carrying bridge across Kodikulam River, Construction of 8 lakh litre and 2.00 lakh liter elevated reservoir and providing pumping main and distribution system for the respondent corporation based on the representation of the petitioner dated 17.02.2016 with interest at the rate of 18% per annum, within a time frame fixed by this Court.



WP (MD) No.5705 of 2016

For petitioner : Mr.D.Kirubakaran
For Respondent : Mr.N.Dilip Kumar

WEB COPY

ORDER

The learned Counsel on either side submits that pursuant to the earlier order of this Court the respondents have paid the entire contract amount.

2.The learned Counsel for the petitioner submits that bill amount has been settled after a period of 10 years from the execution of the work and therefore, requested this Court to direct the respondent to pay the interest for the belated payment.

3.The learned Standing Counsel for the respondent Corporation submits that for payment of interest, it needs an elaborate evidence and it can be decided only in the civil suit.

4.Since the amount has already been settled, the petitioner shall work out his remedy by filing a civil suit within a period of three months from the date of receipt of a copy of this order. If such a civil suit is filed, the civil court shall entertain the same without sticking to the limitation.



WP (MD) No.5705 of 2016

5.The writ petition is disposed of in the above terms. No costs.

WEB COPY

15.11.2023

dsk

To

The Commissioner,
Thanjavur City Municipal Corporation,
Gandhiji Road,
Thanjavur – 613 001.



WEB COPY



WP (MD) No.5705 of 2016

B.PUGALENDHI, J.

dsk

WP(MD)No.5705 of 2016

15.11.2023