



W.P.(MD).No.22749 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.22749 of 2023

and

W.M.P.(MD)No.19006 of 2023

M/s.Om Sakthi Construction,
represented by its partner V.Kannan,
No.1, Udayar Street,
Thollamur Village, Earaiyur Post,
Vanur Taluk, Vilupuram District,
Pincode-604 304.

... Petitioner

Vs.

1.The Divisional Engineer [H],
National Highways Department,
No.70, Sundarajan Nagar,
Subramaniyapuram, Trichy-20.

2.The Joint / Additional Commissioner,
GST & Central Exercise,
Chennai Outer Commissionerate,
Newry Towers, Second Avenue,
12th Main Road, Anna Nagar,
Chennai-600 040.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a ***Writ of Mandamus***, to direct the 1st respondent to



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pay the GST to the petitioner in respect of the Agreement No.30/2017-2018, dated 26.07.2017, for works in improvements to Athur-Perambalur Road from Km 32/0-37/0 39/0-40/0 and 41/0-49/6 as per G.O.Ms.No.296, Finance (Salaries) Department, dated 09.10.2017 by considering the petitioner's representation, dated 13.12.2022, within time framed by this Court.

For Petitioner	: Mr.D.Senthilkumar
For R1	: Mr.B.Saravanan
	Additional Government Pleader

ORDER

This writ petition is filed for issuance of a writ of Mandamus, to direct the 1st respondent to pay the GST to the petitioner in respect of the Agreement No.30/2017-2018, dated 26.07.2017, for works in improvements to Athur-Perambalur Road from Km 32/0-37/0, 39/0-40/0 and 41/0-49/6, as per G.O.Ms.No.296, Finance (Salaries) Department, dated 09.10.2017 by considering the petitioner's representation, dated 13.12.2022, within time framed by this Court.

2.On instructions, the respondents submitted that the petitioner's claim will be considered after getting clearance from the 2nd respondent for



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which the respondents have circulated the instructions, dated 19.09.2023.

3. Therefore, this Court is of the considered opinion that the petitioner's claim ought to be considered. The respondents shall consider the petitioner's claim by considering his representation, dated 13.12.2022, in the light of the G.O.Ms.No.296, Finance (Salaries) Department, dated 09.10.2017 and in the light of the instructions, dated 19.09.2023. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. With the above said observation, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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S.SRIMATHY, J.

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