



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)Nos.28641 & 28899 of 2023

M/s.The Indian Hume Pipe Co.Ltd.,
Rep.by its General Manager,
S.Arunachalam

... Petitioner in both cases

Vs.

1.The Managing Director,
TWAD Board,
Kamarajar Salai,
Chepauk, Chennai – 600 005.

2.The Chief Engineer,
TWAD Board,
Integrated Office Complex,
1st Floor, Eastern Side,
S.F.No.243/2,
Thanjavur – Trichy Main Road,
Pillaiyarpatti, Thanjavur – 613 403.

...Respondents 1 and 2
in both cases

3.The Executive Engineer,
TWAD Board, Project Division,
Integrated Office Complex,
1st Floor, Eastern Side,
S.F.No.243/2, Thanjavur – Trichy Main Road,
Pillaiyarpatti, Thanjavur – 613 403.

...3rd respondent
in WP(MD)No.28641 of 2023

4.The Executive Engineer,
TWAD Board, Project Division,
No.5711, Second Floor,
Santanapuram Second Street,
Pudukottai – 622 001.

...3rd respondent
in WP(MD)No.28899 of 2023



Prayer in WP(MD)No.28641 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to make a payment of sum of Rs.3,31,87,842/- towards final bill amount and sum of Rs.8,51,26,998/- towards release of 2.5% retention amount and sum of Rs.1,46,21,560/- towards interest charges for delayed payment as on 31.10.2023 payable to the petitioner for execution of the work namely providing Combined Water Supply Scheme (CWSS) to 1003 Rural Habitations in Pattukottai, Madukkur, Peravurani and Sedhubavachathiram Unions, 150 wayside habitations in Thiruvaiyaru, Papanasam, Thanjavur, Orathanadu and Thirivonam Unions and Peravurani, Perumagalur and Adiramapattinam Town Panchayats in Thanjavur District for the respondent TWAD Board on the basis of the representation of the petitioner dated 04.11.2023 with interest at the rate of 12% per annum within a time frame fixed by this Court.

Prayer in WP(MD)No.28899 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to make a payment of sum of Rs.2,32,03,155/- towards final bill amount and sum of Rs.5,71,35,724/- towards release of 2.5% retention amount and sum of Rs.4,50,18,418/- towards interest charges for delayed payment as on 31.10.2023 payable to the petitioner for execution of the work namely providing Combined Water Supply Scheme (CWSS) to 1751 Rural Habitations in Kunnandarkovil (Part), Gandarvakottai, Karambakudi, Pudukottai (Part), Thiruvarankulam, Aranthangi (Part), Annavasal (Part), Viralimalai (Part) Unions of Pudukottai District and Vallam Town Panchayat of Thanjavur District including paid maintenance for one year for the respondent TWAD Board on the basis of the representation of the of the petitioner dated 04.11.2023 with interest at the rate of 12% per annum within a time frame fixed by this Court.



In both cases :

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For Petitioner : Mr.B.Saravanan, Senior Counsel
for Mr.D.Kirubakaran

For Respondents : Mr.B.Vijay Karthikeyan

ORDER

Heard the learned Senior Counsel appearing for the petitioner and the learned standing counsel appearing for the respondent board.

2.The petitioner had carried out certain contract works for the board. The case of the petitioner is that their bills are yet to be settled. Though in contractual matters, the writ court will normally not interfere, considering the special facts and circumstances of the case, the respondent board is directed to pay the final bill amounts and retention amount within a period of six months from the date of receipt of copy of this order. The issue regarding payment of interest is left open. These writ petitions are disposed of. No costs.

21.12.2023

Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.

SKM

WP(MD)Nos.28641 & 28899 of 2023

21.12.2023