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W.P. No. 44 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 44 of 2024

M/s. KCP Infra Ltd.
(Formerly known as "KCP Engineers Ltd)
Reg. office at No.4
Ground Floor, Aalayam Space
Annada Road, Alwarpet
Chennai - 600018.
Rep. by its Director
K.Muthukumarasamy

... Petitioner

-VS-

The Superintending Engineer
Storm Water Drain Department
Greater Chennai Corporation
Ripon Building
Chennai - 600003.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to disturb the present bill amount of Rs. 46,57,00,000/- (Rupees Forty Six Crores Fifty Seven Lakhs only) along with interest to the Petitioner, towards the value of the work done in work order numbers viz., 1) S.W.D.C.No.B1/662-3/2020 dated 12.01.2021, 2) S.W.D.C.No.B1/662-21/2020 dated 11.02.2021, 3) S.W.D.C.No.B1/662/-29/2020 dated 20.02.2021 and 4) S.W.D.C.No.B1/662-33/2020 dated 05.02.2021 by the Petitioner in Chennai Corporation by



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considering Petitioner's representation dated 27.11.2023.

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For Petitioner : Mr. V.Elangovan

For Respondents : Mr. E.C.Ramesh

ORDER

Heard Mr. V.Elangovan, Learned Counsel for the Petitioner and Mr. E.C.Ramesh, Learned Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Respondent by Proceedings in S.W.D.C. No. B1/662-3/2020 dated 12.01.2021 had awarded the execution of the works contract pertaining to the construction of Integrated Storm Water Drain in Korattur Lake Watershed of Kosasthalayar Basin in the extended areas of Greater Chennai Corporation under Integrated Urban Floor Management for the Chennai Kosasthalayar Project in favour of the Petitioner. According to the Petitioner, it had executed some works and raised bills for a sum of Rs. 45,00,00,000/-, but the Respondent had not made any payment, and he has made a representation dated 27.11.2023 to the Respondent in that regard, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.



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3. This Court during the earlier hearing on 03.01.2024 had required the Respondent to file a report of the action taken on the aforesaid representation dated 27.11.2023 made by the Petitioner. In furtherance to the said order, the Respondent has filed status report dated 08.02.2024 stating that the Petitioner was entitled to the amounts as per the details shown below:-

S. No.	Package	Bills Submitted to Unit Account Cell		Payment made so for		Bills pending with UAC for payment
1	3	2,47,07,151/-	18.11.2021	2,47,07,151/-	07.03.2022	-
2	3	3,06,33,199/-	21.12.2022	3,06,33,199/-	25.01.2023	-
3	3	7,79,70,392/-	05.04.2023	7,79,70,392/-	17.04.2023	-
4	3	5,37,14,308/-	03.10.2023	5,37,14,308/-	12.01.2024	-
5	3	1,47,53,931/-	18.10.2023	1,47,53,931/-	19.01.2024	-
6	21	1,71,05,827/-	21.12.2021	1,71,05,827/-	29.03.2022	-
7	21	3,61,36,915/-	20.05.2022	3,61,36,915/-	16.06.2022	-
8	21	8,45,78,897/-	17.09.2022	8,45,78,897/-	19.10.2022	-
9	21	3,29,03,163/-	06.01.2023	3,29,03,163/-	17.03.2023	-
10	21	3,67,36,919/-	26.04.2023	3,67,36,919/-	05.04.2023	-
11	21	3,43,20,594/-	08.09.2023	3,43,20,594/-	19.01.2024	-
12	21	1,96,49,385/-	18.10.2023	1,96,49,385/-	19.01.2024	-
13	21	3,77,17,243/-	18.10.2023	-	-	3,77,17,243/-
14	29	2,52,30,408/-	16.12.2021	2,52,30,408/-	29.03.2022	
15	29	2,13,01,881/-	24.05.2022	2,13,01,881/-	16.06.2022	
16	29	6,10,19,093/-	24.08.2022	6,10,19,093/-	23.09.2022	
17	29	6,69,31,726/-	27.10.2022	6,69,31,726/-	25.01.2023	
18	29	6,02,57,610/-	27.12.2022	6,02,57,610/-	17.03.2023	
19	29	2,29,08,501/-	19.01.2023	2,29,08,501/-	05.04.2023	
20	29	10,02,25,108/-	02.05.2023	10,02,25,108/-	08.08.2023	



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21	29	6,84,63,400/-	06.07.2023	6,84,63,400/-	08.08.2023	
22	29	8,14,87,855/-	24.08.2023	8,14,87,855/-	31.08.2023	
23	29	6,86,07,276/-	09.11.2023	-	-	6,86,07,276/-
24	33	4,07,70,969/-	12.09.2022	4,07,70,969/-	28.09.2022	
25	33	6,91,51,830/-	22.12.2022	6,91,51,830/-	25.01.2023	
26	33	3,27,92,049/-	28.03.2023	3,27,92,049/-	05.04.2023	
27	33	5,26,77,763/-	06.04.2023	5,26,77,763/-	24.04.2023	
28	33	4,48,76,945/-	18.07.2023	4,48,76,945/-	08.08.2023	
29	33	4,51,47,249/-	31.10.2023	4,51,47,249/-	19.01.2024	
30	33	9,74,32,816/-	31.10.2023	9,74,32,816/-	19.01.2024	
31	33	1,45,29,944/-	07.12.2023	-	-	1,45,29,944/-
32	33	4,87,29,522/-	23.12.2023	-	-	4,87,29,522/-
Total		152,34,69,869/-		135,38,85,884/-	-	16,95,83,985/-

However, the sum of Rs. 135,38,85,884/- was alone paid to the Petitioner by and the remaining sum of Rs. 16,95,83,985/- was pending with Unit Accounting Cell for payment.

4. In view of the aforesaid circumstances, it shall be incumbent upon the Respondent to either make payment of the remaining sum of Rs. 16,95,83,985/- or send reply to the Petitioner explaining the reasons for its Unit Accounting Cell withholding the payment, within the period of 15 days from the date of receipt of copy of this order. If the Respondent fails to comply with it, the Petitioner may pursue its claim by filing suit for recovery of the amount due before the jurisdictional civil court in the light of the dictum laid down by the



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Hon'ble Supreme Court of India in the decision in ***Director of Agriculture -vs-***

M.V.Ramachandran (Order dated 17.03.2023 in Civil Appeal @ Special

Leave Petition (C) No. 18731 of 2021) that the correctness or otherwise of such money claims cannot be properly determined by the High Court in proceedings under Article 226 of the Constitution following summary procedure.

In the result, the Writ Petition is disposed with the aforesaid observations. No costs.

20.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 05.06.2024.

Maya

To

The Superintending Engineer
Storm Water Drain Department
Greater Chennai Corporation
Ripon Building
Chennai - 600003.



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P.D. AUDIKESAVALU, J.

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