



W.P. No. 3737 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

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

W.P. No. 3737 of 2024

KCP Infra Limited,
Represented by its Director,
K.Muthukumarasamy,
No. 4, Ground Floor,
Alayam Space, Anandha Road,
Alwarpet,
Chennai - 600 018.

... Petitioner

-VS-

1. The Additional Chief Secretary to Government,
Highways and Minor Ports Department,
Secretariat,
Chennai - 600 009.
2. The Chief Engineer,
Chief Engineers Office Complex,
Highways NABARD and Rural Roads Division,
Guindy,
Chennai - 600 025.
3. The Superintending Engineer,
Highways,
NABARD and Rural Road Circle,
Salem - 636 004.
4. The Divisional Engineer,
Highways NABARD and Rural roads Division,
Trichy Road,
Coimbatore - 641 018.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to consider and pass appropriate orders on the representations of the Petitioner Company dated 09.01.2023 and 09.02.2023 received by the Respondents on 12.01.2023, 13.01.2023 and 16.02.2023 respectively wherein a request has been made for payment of price escalation of Rs. 81,25,665/- (Rupees Eighty One Lakh Twenty Five Thousand Six Hundred and Sixty Five only) for the work order bearing Ref. TRP 22/2019-20/JDO-1/10.06.2020 within a reasonable time frame as fixed by this Court.

For Petitioner : Mr. C.P.Hem Kumar
for M/s. Ganesh and Ganesh

For Respondents : Mr. V.Ravi,
Special Government Pleader

ORDER

Heard Mr. C.P.Hem Kumar, Learned Counsel appearing for the Petitioner and Mr. V.Ravi, Learned Special Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that it had made representations dated 09.01.2023 and 09.02.2023 to the Respondents to make



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payment of price escalation of Rs. 81,25,665/- for the work order in Ref. No.

TRP 22/2019-20/JDO-1/dated 10.06.2020, but as it did not evoke any response,

it has necessitated the filing of this Writ Petition.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representations dated 09.01.2023 and 09.02.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;



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(iv) a reasoned order shall be passed dealing with each of the contentions

WEB COPY raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;

(v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and

(vi) the report of such compliance shall be filed by 31.05.2024 before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

19.02.2024

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 28.02.2024.

vjt

To

1. The Additional Chief Secretary to Government,
Highways and Minor Ports Department,
Secretariat,
Chennai - 600 009.



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2. The Chief Engineer,
Chief Engineers Office Complex,
Highways NABARD and Rural Roads Division,
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3. The Superintending Engineer,
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4. The Divisional Engineer,
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Trichy Road,
Coimbatore - 641 018.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.



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P.D. AUDIKESAVALU, J.

vjt

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