



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.01.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.7709 of 2022
and WMP No.12341 of 2023

M/s.Consolidated Construction Consortium Limited
Rep. by its Resolution Professional
Mr.Krishnasamy Vasudevan,
#8/33, Padmavathiyar Road, Jeypore Colony,
Gopalapuram,
Chennai - 600 086.

... Petitioner

Vs.

Tamil Nadu Water Supply and Drainage Board (TWAD)
Rep. by its Executive Engineer,
Project Division,
No.73, PSG Building, 2nd Floor,
Karur Road, Kangeyam - 638 701

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to pay the balance amount of Rs.5,99,55,041/- towards RA Bills 33,34, 35 & retention amount together with release of payment of Rs.3,39,25,103/- due in the final bill based on the petitioner's representation dated 22.02.2021 along with interest at 12%.

For Petitioner : Mr.S.Karthikei Balan

For Respondent : Ms.Shakila Banu



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ORDER

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This Writ Petition is listed for hearing under special list, as both the learned counsel are ready and state that the matter falls within a short compass. By consent, this Writ Petition is disposed today.

2. The petitioner seeks a mandamus directing the respondents being, Tamilnadu Water Supply and Drainage Board to pay the balance amount of Rs.5,99,55,041/- towards running account Bills 33,34, 35 and retention amount along with release of payment of Rs.3,39,25,103/- due as per the final bill along with interest.

3. The respondent has filed a counter wherein various disputes have been raised in regard to the factual assertions in the Writ Petition relating to the performance of work and the quantification of the dues. In fine, they have sought that the Writ Petition be dismissed.

4. In light of the fact that consideration of the petitioner's prayer would involve assimilation of facts, which is seriously disputed, a positive direction as sought for by the petitioner cannot be granted. However, the petitioner has itself made a representation on 22.02.2021 wherein the same prayer as raised in this Writ Petition has been reiterated.

5. Hence, it would suffice that the petitioner pursues that representation before the authority and for this purpose, the petitioner is permitted to appear



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before the authority on Friday, the 9th of February, 2024 at 10.30 a.m. without awaiting any further notice in this regard along with all documents in support of its claim for quantification and settlement of outstanding arrears.

6. To be noted that the stand of the respondent in the counter is that the petitioner has not yet prepared and submitted the final bills. They also state (at paragraph 11 of counter dated Nil, March, 2023) that part bills of LS33 and LS 34 have been settled as early as in the year 2019.

7. As far as LS 35 and part bill, according to them, a sum of Rs.1,88,42,722/- is required to be paid to the contractor. The amount has been withheld pending approval of supplemental proposals and the Authorised extras and omissions and following the process as per the procedure.

8. Hence, mandamus is issued to the respondent to hear the petitioner on 09.02.2024, do the needful in terms of expediting the internal correspondences required for settlement of the arrears, quantify the arrears after calling upon and receiving necessary documents from the petitioner and pass orders on the representation dated 22.02.2021, all within a period of eight (8) weeks from 09.02.2024.

Dr.ANITA SUMANTH,J.



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9. This Writ Petition is disposed in the aforesaid terms. No costs.

Connected Miscellaneous Petition is closed.

23.01.2024

Index : Yes / No
Speaking order
Neutral citations: Yes
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To

The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board (TWAD)
Project Division,
No.73, PSG Building, 2nd Floor,
Karur Road, Kangeyam - 638 701

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