



W.P.No.7847 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

WEB COPY

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.7847 of 2024

KCP Infra Limited
Represented by its Director
K.Muthukumarasamy
Number 4, Ground Floor
Alayam Space, Anandha Road
Alwarpet, Chennai 600018

.... Petitioner

Vs

1.The Additional Chief Secretary
Highways and Minor Ports Department
Secretariat, Chennai 600009.

2.The Superintending Engineer
Highways (Construction & Maintenance)
Highways Compound, Trichy Road,
Coimbatore - 641018.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider and pass appropriate orders on the representation of the petitioner dated 06.02.2024 and received by the Respondents on 12.02.2024 and 13.02.2024 respectively wherein a request has been made for payment of pending bill amount of Rs.12 Crore and Rs.8.50 Crore



W.P.No.7847 of 2024

towards price escalation/variation and in all a total sum of Rs.20.50 Crore for the work order bearing Lr.No.TRP 194/2020/JDO-2/dated 25.02.2021, within a reasonable time frame as fixed by this Hon'ble Court.

For Petitioner : M/s.Ganesh and Ganesh
For Respondents : Mr.M.Balamurugan
Government Advocate

ORDER

Mr.M.Balamurugan, learned Government Advocate accepts notice for the respondents, being officials of the Highways Department, and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner is a Class - I contractor for Highways Department, Public Works Department and other Departments of the State Government. He was assigned certain work orders by the Highways Department. He has filed this Writ Petition seeking a mandamus directing the respondents to pass orders on his representation dated 06.02.2024, wherein a request has been made for settlement of the pending outstandings.

3. Mr.Balamurugan has filed a status report dated nil, signed on 24.03.2024, wherein the Superintending Engineer(H)/R2 concludes as follows:



WEB COPY



W.P.No.7847 of 2024

CONCLUSION:

1) *As against the petitioners claim that Rs.8.50 Crore remains due to the petitioner for **Price Escalation**, already a total amount of Rs.7,54,81,815/- has been paid by the Divisional Engineer out of estimate provision Rs.7,86,00,000/- and only a balance amount of Rs.31,18,185/- remains due to the petitioner.*

2) *As against the petitioners claim that Rs.12.00 Crores remains due to the petitioner, only Rs.7.90 crores (for P.R-I & M.I-I balance and P.R-II and M.I-II) is to be paid by the Divisional Engineer as per the quantity of **works executed** by the petitioner in the site, as on date (Table-3).*

4. Learned counsel for the petitioner would point out that the amounts as set out above are not correct as in the representation, the petitioner has also made a request for price variations.

5. In effect, the quantification of the outstandings is disputed by the petitioner. Thus, for the reason that the request of the petitioner is pending with the respondent and also since the quantification of the amount is itself disputed, it would be appropriate that the respondents consider the representation of the petitioner expeditiously.

6. Hence, mandamus is issued to R2 to consider representation dated 06.02.2024 and pass orders, after hearing the petitioner, in accordance with law and in line with the terms of the tender and all



W.P.No.7847 of 2024

Dr.ANITA SUMANTH,J.

relevant Circulars and Government Orders, within a period of six (6) weeks from date of receipt of a copy of this order.

7. This Writ Petition is disposed as above. No costs.

25.03.2024

Index:Yes/No
Speaking order
Neutral Citation:Yes
sl

To

- 1.The Additional Chief Secretary
Highways and Minor Ports Department
Secretariat, Chennai 600009.
- 2.The Superintending Engineer
Highways (Construction & Maintenance)
Highways Compound, Trichy Road,
Coimbatore - 641018.

W.P.No.7847 of 2024