



WEB COPY

W.P.No.10379 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.10379 of 2021

and

W.M.P.No.10955 of 2021

M/s.Teems India Towerlines Private Ltd.,
Represented by its Managing Director
Mr.G.R.Ravi

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Transmission Corporation Ltd.,
NPKKR Maaligai (TNEB Building),
144, Anna Salai, Chennai – 600 002.

2.The Chief Engineer/Transmission,
TANTRANSCO, Electricity Avenue,
6th Floor, NPKRR Maaligai, West Wing,
144, Anna Salai, Chennai – 600 002.

3.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation Ltd.,
182, Dr.Subbarayan Road,
Tatabad, Coimbatore – 641 012.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the respondents herein to provide



right of way clearance and work front arrangement to the petitioner in compliance with Contract Ref.Lr.No.CE/C/TR/SE/CII/TR/CIII/AEE/F.Speen-1925/D.35/17 dated 19.06.2017 in order to enable the petitioner to complete the same and further direct the respondents to reduce the quantum of security deposit from the existing 5% to 3% in accordance with instructions No.REC/CO/PMD/SAC/General/272 dated 15.03.2021 issued by the REC Limited and refund the differential 2% security deposit and grant compensation to the petitioner commensurate to the delay in completion of the contract due to non availability of right of way clearance and work from arrangement.

For Petitioner : Mrs.Hema Muralikrishnan

For Respondents : Mr.D.R.Arunkumar
Standing Counsel for TANGEDCO

ORDER

The writ of mandamus has been instituted to direct the respondents to provide right of way clearance and work front arrangement to the petitioner/company in compliance with the Contract dated 19.06.2017, in order to enable the petitioner to complete the same and further direct the respondents to reduce the quantum of security deposit from the existing 5%



to 3%, in accordance with instructions dated 15.03.2021 issued by the REC Limited and refund the differential 2% security deposit and grant compensation to the petitioner.

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2. The petitioner/company was a successful bidder in respect of the bid for erection of LILO of one circuit 400 KV DC line and DC Tower with Twin Moose Conductor from Thappangadu to Anaikadavu 400 KV DC Line at Udumalpet (Myvadi) 400 KV substation falling in wind zone 2 including the cost of all materials under turnkey contract. The fixed term contract for a tenure of 6 months was awarded to the petitioner. The petitioner commenced the work. In the process of completion for 5 kilometres stretch, the works are pending and the petitioner is unable to complete the erection of stringing on account of non settlement of compensation to the farmers/owners of the land. The petitioner has made a request to the respondents to settle the compensation to the eligible farmers for the purpose of completion of stringing works, so as to fulfil the contractual obligations within the time limit as stipulated under the agreement. Since there is no response from the respondents, the present writ petition came to be instituted.



3. Mrs.Hema Muralikrishnan, learned Counsel for the petitioner/company has furnished a copy of the proceedings of the Chief Engineer/Civil Transmission/Chennai dated 04.01.2018, which reveals as under:

“Consequent to the implementation of GST from 01.07.2017, and as per the amended price schedule, a letter was sent vide ref (3) cited for arranging for additional loan of Rs.830.68 lakh from REC for the subject work. But, crop compensation amount has not been added in this amount.

Crop compensation amount= 19.544km X Rs.20 lakh (As per approved cost data 2017-18)

= Rs.390.88 lakh

90% = Rs.351.79 lakh

Additional load required including crop compensation

= Rs.830.68 lakh + Rs.351.79 lakh

= Rs.1182.47 lakh

Original scheme cost = Rs.3290.21 lakh

Loan Sanctioned originally = Rs.2961.19 lakh

Revised scheme cost = Rs.4604.07 lakh

Additional loan required = Rs.1182.47 lakh

*Hence, it is requested that an additional loan of **Rs.1182.47 lakh** apart from the loan sanctioned under ref(2) cited may kindly be arranged to be obtained from REC for the subject work and communicated early.”*



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4. She would further submit that the quantum of compensation to be paid to the farmers was already determined and there is a delay on the part of the Board in settling the compensation, which prevented the petitioner from executing the works relating to stringing.

5. Learned Counsel for the respondents would submit that there are certain disputes regarding settlement of compensation, which is to be taken into consideration by the Board.

6. May that as it be, the letter of the Chief Engineer/Civil Transmission/Chennai dated 04.01.2018 would indicate that the quantum of compensation has been determined. That being so, the said compensation should be settled in favour of the farmers/land owners either by the respondents directly by making payment to the farmers or through the petitioner/company, as the case may be within a period of eight (8) weeks from the date of receipt of a copy of this order. Simultaneously the petitioner/company is directed to take efforts to continue the stringing works and complete the same without causing any undue delay.



7. Accordingly, the Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

To

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