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W.P.No.13110 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13110 of 2024

Dhivya Engineering Works

Represented By A.V. Balamurugan

... Petitioner

-Vs-

1. The Executive Engineer,
Area - VIII Anna Nagar,
Chennai Metropolitan Water Supply
And Sewage Board,
No.227, II Avenue, Near 12 Main Road,
Anna Nagar, Chennai – 600 040.

2. The Managing Director,
The Chennai Metropolitan Water Supply
And Sewage Board,
No.1, Pumping Station Road,
Chennai – 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider petitioner representation dated 23.03.2024 to release payment sum of Rs.14,81,785.23/- (Rupees Fourteen lakhs Eighty One thousand Seven Hundred Eighty Five and Twenty three paisa only) of the petitioner along with 24 percent p.a interest on the said payment from its due date to the date of its actual realization and also to take penal action over the respondent for said delay in releasing the payment of the petitioner.



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For Petitioner : Mr.A.Ashwinkumar
For Respondents : Mrs.K.Vasanthamala
Standing Counsel

ORDER

This writ petition has been filed for direction directing the respondents to consider petitioner representation dated 23.03.2024 to release payment sum of Rs.14,81,785.23/- (Rupees Fourteen lakhs Eighty One thousand Seven Hundred Eighty Five and Twenty three paisa only) of the petitioner along with 24 percent p.a interest on the said payment from its due date to the date of its actual realization and also to take penal action over the respondent for said delay in releasing the payment of the petitioner.

2. Heard both sides and perused the materials available on record.

3. The petitioner is engaged in the business of retail trading and service of drain cleaning equipment and sewer cleaning tools, typically provides a range of products, services and support to help individuals, businesses and professionals. It is registered with the respondents as registered Contractor. On the application submitted by the petitioner for renewal of work contract for the year 2021 to 2022, 2022 to 2023 and 2023 to 2024, entrusting the petitioner eligible for participating in the tender conducted by the second respondent for execution of



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work, the petitioner was issued with work orders including requirements for security deposit and execution of an agreement fixing time period for completion of work and submission of documents such as income returns and a sales tax clearance certificate.

4. After completing the conditions, the second respondent failed to remunerate the agreed quoted amount, as per the agreements entered into between them on the work orders. In fact, the petitioner approached the second respondent for payment for the services provided by the petitioner. However, no payment was released for the work provided by the petitioner. The petitioner invested substantial amount for the said works in order to complete the work on time by availing various bank loans, pledging jewellery etc.,. However, the second respondent failed to clear the amount as quoted by the petitioner in the work order.

5. A perusal of the counter filed by the respondents and also on the submissions made by the learned Standing Counsel appearing for the respondents revealed that it is not in dispute that the petitioner was issued work order for doing several works. After completion of a work, the petitioner submitted bills for the work completed by the petitioner. All the bills are under



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scrutiny and seeks six months time to disburse the amount as claimed by the petitioner.

6. In view of the above, the respondents are directed to disburse the amount due to the petitioner for a sum of Rs.14,81,785.23/- (Rupees Fourteen lakhs Eighty One thousand Seven Hundred Eighty Five and Twenty three paisa only), with applicable interest at the rate of 6% p.a from due date to the date of its actual realization, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

04.10.2024
(2/4)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To



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G.K.ILANTHIRAIYAN. J.

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