



WEB COPY

W.P.No.14553 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.14553 of 2024

M/s.S.M.K.Contractors,
Rep. by its Partner
B.Manoj Macniel,
No.77/2, 1st Floor,
Prakasam Salai,
Chennai – 600 108.

.... Petitioner

Vs

1. The Superintending Engineer,
Highways, C & M, Chennai Circle,
Chennai – 600 006.
2. The Divisional Engineer,
Highways,
C & M, CCR Division,
Periyapet,
Saidapet,
Chennai – 600 015.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to disburse the payment of Rs.46,18,698/- with interest along with 18% GST to the petitioner for the work executed by the petitioner as per the Letter of acceptance in Letter. TRP No.155/2020-21



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(Vol.37)/D2/Dt.07/09/2020 on the file of the 1st respondent based upon the representations of the petitioner dated 11.10.2022 and 25.04.2024.

For Petitioner : Mr.S.Doraisamy
for Mr.V.Elangovan

For Respondents : Mr.P.Harish
Government Advocate

ORDER

Mr.P.Harish, learned Government Advocate accepts notice for the respondents and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner has been engaged by the Highways Department as a Class I contractor. He claims to have executed several civil works for that Department. With regard to a tender called on 28.08.2020 for the execution of Junction improvement at Km 0/10 Tambaram – Mudichur – Sriperumbudur Road under road safety fund 2019-2020, the petitioner was successful.

3. The total contract value was for a sum of Rs.93,67,273/-. The petitioner claims to have executed the works in line with prescribed norms and the terms of the contract. Though he had completed 65% of the work, he was unable to complete the work on account of non-



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payment of the dues to him. Representations have been made by him on 11.10.2022 and 25.04.2024 seeking payment but there has been no response. Hence, the present Writ Petition seeking mandamus directing disbursal of payment of Rs.46,18,698/- with interest and GST for the works executed thus far.

4. Mr.Harish, learned Government Advocate for the respondents states, on instructions, that extension of time had been granted for completion of the contracted work. The period of extension has expired and there has been no further progress in the matter. He further states that the contract contains an arbitration clause.

5. In such an event, it is for the respondents to consider the representations of the petitioner and convey their stand to them in order that the petitioner could make an informed choice as to what the course of action is, that he wishes to take. The existence or otherwise of a dispute cannot be assumed at this juncture.

6. Hence, mandamus is issued to R1 to issue notice to the petitioner, hear then, consider representations dated 11.10.2022 and 25.04.2024 and pass orders on the same in accordance with law and all relevant rules and regulations, within a period of six (6) weeks from date of receipt of a copy of this order.



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Dr.ANITA SUMANTH,J.

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

05.06.2024

Sl

Index: Yes/No

Speaking order: Yes

Neutral Citation: Yes

To

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