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W.P.No.20641 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.20641 of 2022

and

W.M.P.No.28726 of 2023

RPP Infra Projects Ltd

Rep. by its Whole Time Director Ms.A.Nithya

SF No. 454, Raghupathynaiken Palayam,

Railway Colony (Post), Poondurai Road,

Erode - 638 002.

.. Petitioner

VS

1.Tamil Nadu Water Supply and Drainage Board,

TWAD Board,

Rep. by its Chief Engineer,

TWAD Board,

Vellore - 6.

2.The Executive Engineer,

TWAD Board, RMS Division,

Villupuram - 605 602

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to take over the project i.e., 'WSIS to Tindivanam Municipality in Villupuram District. Construction of 6 Nos of bore well at the bank of river Thenpennai, Construction of 2.00 LL Sump - 2 Nos., Pump room 12 m x 10 m - 2 Nos. Laying & jointing of connection main, pumping main, feeder main (150 mm, 350 mm - DI K9(pipes), supply and erection of OHT - 4 Nos (1.00 LL - 1 No.6.00 LI - 1 No., 5.00 LL - 1 No.) and Distribution system (DI pipes) with HSC etc complete and maintenance of the scheme for one year (Completion period - 12 months) executed by the petitioner and also release the outstanding sums along with the release of Bank Guarantees bearing BG No. 101571122000037.



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For Petitioner : Ms.Pavithra M
for Mr.P.J.Rishikesh

For Respondents : Mr.A.Abdul Hameed,
for Ms.S.Mekhala
Standing Counsel

ORDER

Read this order in continuation of and in conjunction with order dated 01.12.2023 that reads as follows:-

"Learned counsel for respondents produced a copy of minutes of Dispute Redressal Committee held on 16.11.2023 reading thus:-

"1.The Committee observed that all works as per agreement have been completed by the contractor. The designed quantity of water could not be supplied due to less yield only. Hence, the Committee directed the Chief Engineer, TWAD Board, Vellore to issue the completion certificate of the scheme immediately.

2. The Director of Municipal Administration has already formed a Committee consisting of Chief Engineer, TWAD Board, Vellore, Regional Director of Municipal Administration, Vellore, Executive Engineer, TWAD Board, RWS Division, Villupuram, Commissioner Villupuram Municipality, Regional Executive Engineer, Director of Municipal Administration, Vellore, Municipal Engineer, Tindivanam Municipality to solve this issue and the Committee conducted a joint inspection on 08.11.2023 and after which the Municipality officials assured to take over



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the scheme as it is on or before 31.12.2023 in consultation with the Director of Municipal Administration. Hence the Director of Municipal Administration may be requested to take over the scheme as per the report of the Committee.

3. The Committee directed the Chief Engineer, Vellore to release the Bank Guarantee after the scheme is taken over by the Tindivanam Municipality from the M/s.RPP Infra Projects Ltd.

4.The Committee felt that in order to fulfil the objective of the scheme, additional sources may be created by all possible means and directed the Chief Engineer, Vellore to take appropriate action in this regard.

5.The Committee directed the Chief Engineer, Vellore to prepare the Authorized Extras and Omission (AEO) statement and get it approved from the competent authority for the preparation of final bill. The withheld amount will be adjusted and released on payment of final bill as per the Clause 44.2 of agreement conditions."

2. List under the same caption 'to report progress in dispute resolution' on 04.01.2024."

2. Today, Ms.Pavithra, appearing for the petitioner and Mr.A.Abdul Hameed, appearing for the respondents would accede to the position that proceedings are on-going before the Dispute Redressal Committee. The Court is also given to understand that a resolution is expected to be arrived within a month from today.



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Hence, an outer limit of six weeks is fixed for the completion of proceedings before the authority.

3. With this, and as nothing further survives in this writ petition as matters are pending consideration before the Dispute Resolution Committee, this writ petition is closed. No costs. Connected miscellaneous petition is closed.

04.01.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
TWAD Board,
Vellore - 6.

2.The Executive Engineer,
TWAD Board, RMS Division,
Villupuram - 605 602



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DR. ANITA SUMANTH,J.

ssm

W.P.No.26041 of 2022

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