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W.P.Nos.24734, 24736 & 24737 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

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

W.P.Nos. 24734, 24736 & 24737 of 2024

M/s.KCP Infra Ltd.,
(Formerly known as KCP Engineers Ltd),
Registered office at No.4,
Ground Floor, Aalaym Space,
Ananda Road, Alwarpet,
Chennai – 600 018.
Rep. by its Director,
K.Muthukumarasamy

.... Petitioner in all W.Ps

Vs

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai – 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.

3. The Superintending Engineer,
Storm Water Drain Department,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.

.... Respondents in all W.Ps

Prayer in W.P.No.24734 of 2024 :- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 15.07.2024 and pass orders to allocate the remaining work fronts/work sites to the petitioner in respect of package 21 as per work order in



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S.W.D.C.No.B1/662-21/2020 dated 11.02.2021 to enable the petitioner to complete the remaining balance value of works of Rs.20.26 crores as in time.

Prayer in W.P.No.24736 of 2024 :- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 15.07.02024 and pass orders to allocate the remaining work fronts/work sites to the petitioner in respect of package 29 as per work order in S.W.D.C.No.B1/662-29/2020 dated 20.02.2021 to enable the petitioner to complete the remaining balance value of works of Rs.22.41 crores as in time.

Prayer in W.P.No.24737 of 2024 :- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 15.07.02024 and pass orders to allocate the remaining work fronts/work sites to the petitioner in respect of package 33 as per work order in S.W.D.C.No.B1/662-33/2020 dated 05.02.2021 to enable the petitioner to complete the remaining balance value of works of Rs.24.00 crores as in time.

In all W.Ps

For Petitioner	: Mr.S.Doraisamy
For R1	: Dr.T.Seenivasan Special Government Pleader
For R2 & R3	: Mr.E.C.Ramesh Standing Counsel

COMMON ORDER



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In all the writ petitions, the petitioner is one and the same and filed the present writ petitions for direction directing the respondents to allocate the remaining work sites under three packages. The issue involved in all the writ petitions are one and the same and as such this Court is inclined to pass a common order.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is a registered Class-I Contractor under the respondents Corporation. While being so, the respondents called for tender for the Integrated Urban Flood Management for the Chennai Kosasthalayar Project under ADB Fund / Construction of Integrated Storm Water Drain in Puzhal Surplus South Watershed of Kosasthalayar basin in the extended areas of Greater Chennai Corporation Pkg-21 – outfall GP1, GP2 and GP3. The petitioner had participated in the said tender and became a successful bidder for the said work. Accordingly, the work order was issued by the second respondent dated 11.02.2021. As per the contract agreement, the scope of work is Rs.57.76 crores. The petitioner had already completed the work worth of Rs.38.50 crores. The



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balance value of the work is Rs.20.26 crores. However, the respondents have not allotted the remaining work sites to the petitioner for completing the balance work. Only if the respondents allot the sites, the petitioner can be able to construct the storm water drain. In fact, for completion of the said work the petitioner was not paid and as such, the petitioner was constrained to approach this Court by way of writ petition in W.P.No.22782 of 2024. This Court, by an order dated 07.08.2024, directed the respondents to disburse the bill amount of Rs.43,26,00,000/- within a period of six weeks.

4. On instructions, the learned Standing Counsel appearing for the respondents 2 and 3 submitted that only because of the delay caused by the petitioner, the work is pending. In fact, at the time of contract itself, the work site was identified and allocated to the petitioner.

5. In view of the above, the respondents are directed to allocate the work site in order to complete the remaining work in respect of the packages 21, 29 and 33 as per the work orders dated 05.02.2021, 11.02.2021 & 20.02.2021, within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above direction, these writ petitions stand disposed of. No costs.

23.08.2024

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

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai – 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.

3. The Superintending Engineer,
Storm Water Drain Department,
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G.K.ILANTHIRAIYAN, J.

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