



WEB COPY



W.P. No.488 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.488 of 2020

M/s.Karthika Construction
Rep. by S. Manoharan

Versus

... Petitioner

1. The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai,
Chepauk,
Chennai – 600 005.

2. The Executive Engineer,
TWAD Board,
RWS Division,
Karur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 1st respondent to release the payment due to the petitioner to the tune of Rs.1,23,880/- in respect of Agreement Dr. No.41/TWAD/2010/2011, dt. 07.07.2010 together with interest at the rate of 6% per annum.

For Petitioner : Ms.T. Hemalatha

For Respondents : Ms.S. Shahila Bhanu
Standing Counsel

ORDER



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The prayer sought for in this writ petition is for Mandamus seeking for a direction to the 1st respondent to release the payment due to the petitioner to the tune of Rs.1,23,880/- in respect of Agreement Dr. No.41/TWAD/2010/2011, dt. 07.07.2010 together with interest at the rate of 6% per annum.

2. It is stated that the petitioner is the successful bidder and the work of Annual Maintenance of CWSS to 100 habitations in 9 Panchayats of Thanthoni Union in Karur District Reach 1, III, IV as per Agreement, dated 07.07.2010 was awarded to him for Rs.8,50,200/-. The agreement period was extended from time to time and thus, the petitioner carried out maintenance work successfully for an extended period of 8 months viz., from 01.04.2011 till 30.11.2011 also. Thereafter, he made representations to the respondents 1 and 2 seeking for release of the payment due to him to the tune of Rs.1,23,880/-. Hence, this writ petition.

3. Learned counsel for the petitioner submitted that the works assigned to him were completed in the year 2011 itself and subsequently bills were raised, but the respondents failed to release the payment. Hence, it would suffice, if a direction is issued by this Court to the 1st respondent to release the dues payable to the petitioner as well as the EMD amount.



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4. Denying the submissions made by the learned counsel for the petitioner, learned Standing Counsel appearing for the respondents submitted her arguments based on the counter affidavit filed by the 2nd respondent. More particularly, she drew the attention of this Court to paragraph Nos.7 to 9 and submitted that the final bill arrived upon for the value of execution of contract amounts to Rs.54,850/- and the said amount alone is due and payable to the petitioner. However, she submitted that after getting approval from the competent authority, the said amount will be released to the petitioner in a due course. In view of the above, she prays for issuance of appropriate directions by this Court.

5. Heard the learned counsel on both sides and perused the materials placed on record.

6. Admittedly, the petitioner was awarded the contract of Annual Maintenance of CWSS to 100 habitations in 9 Panchayats of Thanthoni Union in Karur District Reach 1, III, IV vide Agreement, dated 07.07.2010. It is not in dispute that the agreement entered into between the petitioner and the respondent has been extended beyond the period mentioned therein. However, it could be seen that the work was completed by the



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petitioner in the year 2011 itself and almost more than a decade, the dues payable to the petitioner were not released by the respondents, till date.

Hence, this Court is inclined to issue directions to the 1st respondent to release the admitted sum of Rs.54,850/- to the petitioner, within a stipulated time.

7. In view of the above observations, this Court issues the following directions :-

a) The 1st respondent shall release the payment of Rs.54,850/- (admitted amount), along with applicable interest to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

b) Also there is a direction to the 1st respondent to release the E.M.D and Security deposit to the petitioner, if there is no legal impediment, within a period of four weeks thereafter.

8. With the aforesaid directions, this writ petition stands disposed of.

No costs.

03.10.2024

Index : Yes / No

Internet: Yes/No

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Speaking Order/Non-Speaking Order

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To

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TWAD Board,
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M.DHANDAPANI, J.

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